

Comments Received on the informal pre-public notice draft MS4 General Permit

From December 17, 2025, through February 13, 2026, the Minnesota Pollution Control Agency (MPCA) provided an opportunity for interested and affected parties to submit comments on the informal pre-public notice draft MS4 General Permit (MNR040000). The MPCA received 28 comment letters/emails (available below). The MPCA will not provide written responses to comments received but will review the comments and will consider incorporating suggested changes into the draft permit prior to formal public notice.

Letter/email #	Submitted by
1	Anoka County
2	Apple Valley, City of
3	Benton County
4	Coon Creek Watershed District
5	Eden Prairie, City of
6	Hakanson Anderson
7	Ham Lake, City of
8	LeSauk Township
9	Minnesota Cities Stormwater Coalition
10	Minnesota Department of Transportation Metro District
11	Minnesota Department of Transportation Outstate Districts
12	Minnetonka, City of
13	Mississippi Watershed Management Organization
14	Olmsted County
15	Prior Lake, City of
16	Ramsey, City of
17	Ramsey County
18	Ramsey-Washington Metro Watershed District
19	Richfield, City of
20	Robert S. Belzer
21	Rosemount, City of
22	Savage, City of
23	Shakopee, City of
24	Shakopee Mdewakanton Sioux Community
25	Washington County
26	Willmar, City of
27	Woodbury, City of
28	Young Environmental Consulting Group



February 13, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155-4194

Subject: Comments on Draft MS4 General Permit – Transportation Project Impacts

Dear MPCA Municipal Stormwater Program Team,

On behalf of Anoka County, thank you for the opportunity to comment on the draft MS4 permit. We support MPCA's goals to improve water quality and remain committed to implementing effective stormwater management practices. However, we offer the following comments to ensure the permit can be practically implemented within Minnesota's transportation network, particularly along constrained highway corridors.

Permit Requirements and Concerns

1. Increased Design and Right-of-Way Requirements (Section 28.18)

- The draft expands stormwater treatment obligations for reconstruction projects within MS4 boundaries, including treatment of existing impervious surfaces.
- Meeting these standards will require additional space for BMPs (e.g., infiltration basins, filtration systems, underground storage). In constrained corridors, this could necessitate costly land acquisition or result in design compromises affecting safety and mobility.
- **Clarifications Needed:**
 - Define “distinctly set apart” distance—how far apart surfaces must be to qualify and how this applies to linear facilities.
 - The proposed definition aligns with CSW permit language but introduces uncertainty for sidewalks and trails previously considered disconnected.

2. Integration with Existing Permits

Several draft MS4 provisions differ from requirements under the NPDES Construction Stormwater permit, creating potential confusion and duplication.

Our Passion Is Your Safe Way Home

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- **Example: Section 28.9** changes “disturb” to “expose,” creating inconsistencies with the CSW permit. MPCA indicated CSW will eventually adopt “expose,” but until then, this discrepancy will cause confusion.

3. TMDL and Pollutant Load Reduction (Section 22)

- Meeting TMDL allocations for impaired waters will require advanced modeling and retrofits of existing highway stormwater systems.
- **Section 22** introduces numerous reporting requirements. MPCA confirmed these requirements are intended to verify BMPs addressing WLAs, but MS4s need clarity on whether reporting applies retroactively and what documentation is expected.

4. Section-Specific Comments

- **Sections 3.2 and 28.16:** County MS4s have no authority over firefighting response teams and are not allowed to impose requirements on firefighting personnel; these provisions should instead be addressed through statewide firefighting training.
- **Section 18.15:** Communication requirements related to firefighting should be directed to fire departments rather than non-traditional MS4s, with explicit exemptions for counties lacking zoning authority. MPCA should address this through statewide firefighting training since counties generally lack authority over emergency personnel. Counties should be exempt from this requirement as it doesn’t pertain to counties.
- **Sections 21.13–21.15 (PFAS):** MPCA confirmed that PFAS provisions require a one-time inventory within 12 months of permit issuance. Because pesticide applications are regulated by the MN Department of Agriculture and cities lack jurisdiction over licensed pesticide applicators, this requirement should be clarified as a one-time review and simplified by using trade name lists.
- **Section 22.5:** Clarify definitions for redevelopment, voluntary, enhancement, and reconstruction.
- **Section 28.9:** Explain rationale for changing “disturb” to “expose”; this introduces inconsistencies with the CSW permit.
- **Section 28.18:** Clarify impervious surface definitions and implications for trail projects (including “distinctly set apart” criteria and trail surface classifications).

Recommendations

- **Phased Implementation:** Allow sufficient time to incorporate new requirements into long-range plans, capital programs, and budgets.
- **Technical Guidance:** Provide clear design standards and examples tailored to linear transportation projects, including right-of-way constrained scenarios.
- **Funding Support:** Establish grants or cost-share programs for BMP retrofits, land acquisition, and specialized maintenance equipment/training.

- **Permit Coordination:** Clarify interactions between MS4 and NPDES Construction Stormwater permits to streamline compliance.
- **Maintenance Resources:** Offer training, asset management tools, and performance metrics for long-term BMP upkeep in highway environments.
- **Exemptions:** Explicitly exempt counties without zoning authority from Section 18.15 requirements.

We appreciate MPCA's commitment to improving water quality and look forward to collaborating on solutions that balance environmental protection with practical implementation across Minnesota's transportation system. Thank you for considering our comments.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Haug". The signature is written in a cursive, flowing style.

Rebecca Haug
Highway Project Manager



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Apple Valley, MN 55124-9016

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February 13, 2026

Minnesota Pollution Control Agency

The purpose of this letter is to provide comments from the City of Apple Valley Minnesota on the current proposed 2026 DRAFT MS4 Permit. The City supports comments provided by the Minnesota Cities Stormwater Coalition, a subgroup of the League of Minnesota Cities. In addition to the comments provided by the MCSC, the City has the following main points of concern itemized by section:

Definitions: Consider adding a definition for the term “redevelopment”. “Redevelopment” can be interpreted in multiple ways, which may create confusion for municipalities attempting to comply with permit regulations.

22.5: MPCA Should clarify whether the pollutant reductions needed are based on site specific reductions, or the estimated reduction at the water body. Providing calculations at the water body can be a big ask for private lots that are developing.

22.8-9: Requiring a BMP ID for items listed under 22.8 that are not associated with a physical asset seems erroneous. Specifically, items 22.8 a, b, c, and d.

23.1 Water Quality Trading: While the intention of this program is good, the name is confusing as it doesn’t seem like there is any “trading” going on. Perhaps consider a name change.

(MCSC)

Table of Contents

Requested Action: Include a table of contents in the final version.

Reason: A table of contents simplifies navigation of the permit document.

Non-Stormwater Discharge - items 3.2 & 3.3

Requested Action: Refrain from adding “emergency” into item 3.2.

Reason: Non-emergency firefighting activities do not necessarily increase pollution contribution (e.g., pop-up neighborhood events). Existing language has been sufficient for many years.

Home of the Minnesota Zoological Garden

Requested Action: Delete item 3.3.

Reason: Adds additional and unneeded complexity. Existing language has been sufficient for many years.

Fire and Police Staff Training - item 18.8

Requested Action: Remove fire and police staff illicit discharge recognition training from 18.8 and require only training on local reporting requirements.

Reason: MCSC requests that MPCA work with the state agencies that regulate and provide training for fire and police personnel to ensure that IDDE is incorporated into the standard training received by police and fire staff instead of making this a local requirement of MS4s.

Many MS4 communities have no control over the training of police and fire staff working in their communities. IDDE training for police and fire staff would be better addressed at the state level. Statewide incorporation of IDDE training in fire and police training ensures that fire and police staff across the state, not just those working in MS4s, are aware of illicit discharge issues as they respond to local emergencies.

We recognize that training on local reporting requirements is still necessary, so fire and police staff understand who to contact at the city when a potential illicit discharge is observed.

Illicit Discharge Inspection - 18.11

Requested Action: Revise permit item to state to “At least once during the permit term and to the extent allowable under state or local law, the permittee must conduct illicit discharge inspections in areas identified in item 18.10.”

Reason: Clarifying the existing permit item allows the permittee flexibility to determine inspection frequency of priority areas identified as having a high likelihood of illicit discharges as appropriate to the identified local conditions. Existing language has been sufficient for many years.

PFAS - item 18.15

Requested Action: Remove this item.

Reason: This permit section is redundant and unnecessary. Minn. Statute 325F.072 already applies within cities to prohibit the use of PFAS-containing firefighting foams. Adding this item may create conflict with state preemption status. The statute should not be tied to the MS4 permit. If MPCA has been directed to amplify PFAS regulations, it would be appropriate to implement through a statewide method directed at firefighting efforts.

PFAS - items 21.13-21.15

Requested Action: Remove these items.

Reason: These sections pull MS4 permittees into new areas of regulation that are outside of stormwater, very complicated, and in a state of flux. They create new liabilities for permittees that are not acceptable or reasonable. They are also redundant regulations in an area that is currently sufficiently and appropriately regulated by the Department of Agriculture. More specific justification is as follows:

1. Section 21.13 includes this sentence: "A list of ingredients which meet the definition of PFAS is available on the Minnesota Department of Agriculture website." In this permit, the MPCA needs to be more specific. Include a reference to a single Web page on the MDA Web site. If there is no single authoritative and current list on the MDA Web site, these sections of this draft permit should be deleted.

2. Regarding Section 21.13: The EPA toxicity database, DSSTox, lists 14,735 unique PFAS chemical compounds. Seven million are listed in PubChem. PubChem is a database of chemical molecules and their activities against biological assays. The system is maintained by the National Center for Biotechnology Information, a component of the National Library of Medicine, which is part of the United States National Institutes of Health. It is beyond the capacity of MS4 permittees to identify a list of ingredients which meet the definition of PFAS without a single authoritative and current list provided by MDA or MPCA.

The MDA Web sections associated with PFAS include this text - "The MDA has a preliminary list of pesticide active and inert ingredients that have been identified as PFAS by the Minnesota definition which can be used for general guidance; however, these lists are not comprehensive and may be subject to change." In light of the additional liability these sections create for MS4 permittees, the MDA's "preliminary list" that is "subject to change" at any time is not sufficient or appropriate for the MS4 Permit, which is legally enforceable and open to third-party litigation.

If MDA and/or the MPCA cannot provide a single current and authoritative list at the time of permit reissuance and throughout the term of this permit, these sections should be deleted.

3. The permittees need a quantitative threshold for the type and quantity of PFAS ingredients for which these permit sections apply. Some ingredients are inert. In some cases, only the lining of the can for the pesticide contains PFAS. If the MPCA chooses to impose these regulations on MS4 permittees, they must be more specific.

4. MINN. STAT. §18B.26 Subd. 1(c) includes this text: "Anyone who purchased products which have had their state registration cancelled can continue to use these products in accordance with label directions for a period of two years following the cancellation." The draft permit is not consistent with this statutory language.

5. MN statute includes this language: "18B.02 PREEMPTION OF LOCAL LAW. Except as specifically provided in this chapter, the provisions of this chapter preempt ordinances by local governments that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal." This text refers to "ordinances", but the MS4 Permit considers ordinances to be just one of multiple types of "regulatory mechanisms" ("A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the permittee."). Before cities that

are MS4 permittees implement local regulatory mechanisms to comply with these draft permit sections, they will require a written legal opinion from the Attorney General's Office stating that such mechanisms do not violate this statutory preemption of local law provision.

6. MN statute includes this language:

"18B.03 POWERS AND DUTIES OF COMMISSIONER.

Subdivision 1. Administration by commissioner. The commissioner shall administer, implement, and enforce this chapter and the Department of Agriculture is the lead state agency for the regulation of pesticides. The commissioner has the sole regulatory authority over the terrestrial application of pesticides, including, but not limited to, the application of pesticides to agricultural crops, structures, and other nonaquatic environments. Except as provided in subdivision 3, a state agency other than the Department of Agriculture shall not regulate or require permits for the terrestrial or nonaquatic application of pesticides.

Subd. 3. Delegation and data sharing to approved agencies. The commissioner may, by written agreements, delegate specific inspection, enforcement, and other regulatory duties of this chapter to officials of approved agencies. The commissioner may enter into data sharing agreements with other state agencies to help assess the potential for unreasonable adverse effects to human health and the environment from the use of a pesticide."

This language, especially when combined with the preemption of local law section of the statute, appears to clearly avoid the sort of redundant and confusing additional pesticide regulations that are included in this section. This justifies the deletion of these sections. At minimum, the cities regulated by this MS4 permit would require written delegation by the MDA Commissioner to authorize this additional and redundant pesticide regulation by the MPCA.

7. Section 21.15 includes this text: "the permittee must document: a. the last known date the PFAS containing pesticide product was applied". This provision creates a requirement that will be difficult or impossible for a permittee to meet. MCSC does not see sufficient reason to create such an inappropriate liability for the permittees.

8. MCSC is concerned these sections will create compliance and enforcement confusion for the permittees. Will these sections be enforced by the MPCA or enforced by MDA under the current pesticide statutes? Will MPCA and MDA coordinate compliance determinations and enforcement actions? Cities are concerned that they will receive conflicting or confused messages and/or direction from multiple State agencies. Clarification is necessary about how these items will be handled.

Taken together, all these aspects of these sections appear to make it clear that the MPCA is overstepping its authority and capacity by including these redundant and confusing additional pesticide regulations in this draft permit. These sections create inappropriate additional liabilities for the permittees. MDA's work and programs to address PFAS are not sufficiently mature to support this type of regulation in the MS4 Permit. These sections require local stormwater professionals to address technical aspects of pesticides that are beyond their expertise, knowledge, and experience. It is best to leave pesticide regulations with the MDA and delete these sections from this permit. For this reason, MCSC requests the MPCA remove these items.

TMDL - section 22

Requested Action: Ensure that the permit language in Section 22 includes all reporting requirements and only the specific information MPCA needs for WLA tracking.

Reason: The current TMDL WLA reporting and tracking process is based on a guidance document and isn't spelled out in the permit. MCSC welcomes the clarity of spelling out the WLA tracking and reporting requirements in the MS4 permit. MCSC asks that MPCA ensure the permit targets only the specific information MPCA is required to track to confirm progress toward WLAs. Cities manage numerous BMPs to address multiple TMDL WLAs. Some cities are tracking hundreds of BMPs and dozens of TMDL WLAs. Reporting on this quantity of BMPs can become burdensome. A system in the permit that provides a clear and targeted tracking and reporting method will be the most effective.

WQ Trading - section 23

Requested Action: MCSC strongly recommends that the MPCA reconsider and significantly revise all the sections related to water quality trading. Simplify and streamline all the provisions. We commend the Agency for including a trading plan in this permit, but we urge the Agency to start with something relatively simple and straight-forward, suitable for the relatively small and numerous projects that are implemented by local stormwater programs. If elements prove to be problematic, the program can be revised in future permits.

Reason: This section appears to be derived from the existing water quality trading program developed and implemented for wastewater projects and programs. In multiple ways, the program as proposed is unworkable for both the permittees and the MPCA. Wastewater projects tend to be large and relatively small in number. Municipal stormwater projects that would be suitable for trading tend to be small and numerous. The trading program in this draft permit is overly complex and cumbersome. As such, permittees will be reluctant to utilize this program. We believe that the MPCA will find this program to be unworkable.

Specific deficiencies include the following:

1. In Section 23.4, the requirement that a permittee's trading plan be consistent with the Agency's water quality trading guidance that was developed for wastewater projects is unreasonable and unworkable.
2. The processes involving review and approval by the MPCA listed in Sections 23.6 and 23.8 are unworkable in multiple ways.

Municipal stormwater projects that would be suitable for trading are frequently opportunistic. Opportunities for such projects can rise quickly and cities must act on them in a timely manner. The work and bid prices frequently depend on seasonal conditions. Variables related to local funding and budgeting can affect a city's ability to proceed with a project. If a project is delayed and the season is lost, the entire project can be jeopardized. Allowing 90 days for submittal in advance of approval, with the possibility of an extended timeframe at the Agency's discretion, is simply not feasible. Cities need to be able to move on stormwater projects quickly, in a timely manner, and with scheduling certainty.

The concept of a single "trade plan" is flawed. A city may have multiple stormwater projects suitable for trading within a single construction season. Such projects may arise quickly or become feasible in a short

timeframe because of funding and budgeting variables. A single trade plan could be revised multiple times within a single season and, under the draft permit conditions, require Agency review and approval with each revision. This would be unworkable for both the permittees and the MPCA.

It is impossible, at this time, to predict how many cities will utilize this proposed program and how many projects and plans will be submitted to the MPCA. This proposed program was discussed with a group of MCSC members including about 50 city stormwater professionals. Because of the complexity of this proposed trading program, the cities were reluctant or unable to say whether submitting any of their projects that might be suitable for trading would be worth the trouble and headaches.

MCSC finds it difficult to envision how the MPCA will provide and fund sufficient staff to perform the reviews and approvals listed in these sections. The MPCA has a history of using Clean Water Funds for additional staffing. Using Clean Water Fund monies to support this process will be inappropriate and unacceptable. Clean Water Funds should instead be used for implementation of water quality improvement projects. Charging the permittees to cover these staff costs through higher MS4 permit fees will be inappropriate and unacceptable. It should be noted that the MPCA has had problems in the past with timely reviews and approvals of water-related plans and permits, incurring the displeasure of the permittees and the Legislature. MCSC urges the MPCA to abandon the portions of this proposed trading program that include the concept of a single trade plan that requires MPCA review and approval. Instead, allow the permittees to proceed with stormwater projects without Agency review and approval and address any issues in local program audits.

Requested Action: Incorporate a trading option to allow MS4s to share credits for cooperative projects treating stormwater from the same watershed across multiple jurisdictions/MS4 areas.

Reason: It is MCSC's understanding that the water quality trading program as currently proposed in the pre-public notice draft MS4 permit is intended to address trading between LAs and WLAs to benefit the impaired water of concern within a municipality or contributing subwatershed. MCSC appreciates the addition of this option for cases where projects outside the MS4 system would be a more effective method to address the downstream impairment.

However, we understand that as currently written, any project that reduces pollutants from an MS4 outfall is not eligible for a trade unless the trading MS4 is below their WLA. However, stormwater often crosses municipal boundaries and there are many cases where stormwater treatment may be more effective through a cooperative BMP project in a downstream MS4. MCSC encourages MPCA to incorporate a trading program to allow sharing of WLA credits for projects where multiple permittees participate in a cooperative effort to install a BMP to treat stormwater from their contributing MS4 systems.

WQ Trading - items 23.9 & 23.10

Requested Action: Remove sections 23.9 and 23.10

Reason: A requirement to prepare a procedure for BMP inspection, operation, and maintenance is already included in item 23.7. Additionally, item 23.8 requires the incorporation of the trade plan into the SWPPP which ensures the specifics of the trade plan and the associated inspection, operations, and maintenance are

incorporated into permittee operations and permit reporting procedures. Section 23.9 and 23.10 outline additional reporting requirements that may not be necessary for the specific BMPs proposed in the trade plan or trade program and limit flexibility to address the specific circumstances in each trade plan.

WQ Trading - section 28

Requested Action: Include a definition of water quality trading.

Reason: The water quality trading program is a new addition to the MS4 permit. A definition would clarify the intended use and applicability of the program.

Additional Comments

General:

It is a more effective use of MS4's limited time and resources to prioritize annual reporting and actual program implementation over requiring MS4s to conduct annual assessments for each MCM (i.e., 16.9, 17.8, 18.19, 19.15, 20.23, 21.18). An assessment of programs occurs naturally in years where annual reporting is required without requiring an additional record keeping burden.

Education and Outreach:

Every MS4 in the state is required to perform Public Education and Outreach (MCM 1), Public Participation/Involvement (MCM 2), and education as part of every other MCM. How can the state better partner with MS4s to amplify state-wide or regional messaging about these important water quality issues (e.g., chlorides, pet waste, illicit discharge)?

The City of Apple Valley would like to thank the Minnesota Pollution Control Agency for allowing the opportunity to comment on the proposed MS4 Permit. Feel free to contact me if you have any questions regarding the above listed comments.

Sincerely,

Brian Hartman
Water Resources Specialist
City of Apple Valley

February 13, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155-4194

Subject: Comments on Draft MS4 General Permit – Transportation Project Impacts

Dear MPCA Municipal Stormwater Program Team,

On behalf of Benton County, thank you for the opportunity to comment on the draft MS4 permit. We support MPCA's goals to improve water quality and remain committed to implementing effective stormwater management practices. However, we offer the following comments to ensure the permit can be practically implemented within Minnesota's transportation network, particularly along constrained highway corridors.

Permit Requirements and Concerns

1. Increased Design and Right-of-Way Requirements (Section 28.18)

- The draft expands stormwater treatment obligations for reconstruction projects within MS4 boundaries, including treatment of existing impervious surfaces.
- Meeting these standards will require additional space for BMPs (e.g., infiltration basins, filtration systems, underground storage). In constrained corridors, this could necessitate costly land acquisition or result in design compromises affecting safety and mobility.
- **Clarifications Needed:**
 - Define "distinctly set apart"—how far apart surfaces must be to qualify and how this applies to linear facilities.
 - Specify which trails are considered non-impervious (e.g., natural surface vs. paved/shared-use paths).
 - The proposed definition aligns with CSW permit language but introduces uncertainty for sidewalks and trails previously considered disconnected.

2. Integration with Existing Permits

Several draft MS4 provisions differ from requirements under the NPDES Construction Stormwater permit, creating potential confusion and duplication.

- **Example:** Section 28.9 changes “disturb” to “expose,” creating inconsistencies with the CSW permit. MPCA indicated CSW will eventually adopt “expose,” but until then, this discrepancy will cause confusion.

3. TMDL and Pollutant Load Reduction (Section 22)

- Meeting TMDL allocations for impaired waters will require advanced modeling and retrofits of existing highway stormwater systems.
- Section 22 introduces numerous reporting requirements. MPCA confirmed these requirements are intended to verify BMPs addressing WLAs, but MS4s need clarity on whether reporting applies retroactively and what documentation is expected.

4. Section-Specific Comments

- **Sections 3.2 and 28.16:** Many MS4s have limited authority over firefighting response teams and are reluctant to impose requirements on emergency personnel; these provisions should instead be addressed through statewide firefighting training.
- **Section 3.3:** MS4s could address this requirement by directing inquiries related to approval of non-municipal non-stormwater discharges through MPCA’s stormwater permitting process; however, the proposed language appears to create significant additional work for MS4s for any non-stormwater discharges.
- **Section 18.15:** Communication requirements related to firefighting should be directed to fire departments rather than non-traditional MS4s, with explicit exemptions for counties lacking zoning authority. MPCA should address this through statewide firefighting training since MS4s generally lack authority over emergency personnel.
- **Sections 21.13–21.15 (PFAS):** MPCA confirmed that PFAS provisions require a one-time inventory within 12 months of permit issuance. Because pesticide application is regulated by the MN Department of Agriculture and cities lack jurisdiction over licensed applicators, this requirement should be clarified as a one-time review and simplified by using trade name lists.
- **Section 22.5:** Clarify definitions for redevelopment, voluntary, enhancement, and reconstruction.
- **Section 28.9:** Explain rationale for changing “disturb” to “expose”; this introduces inconsistencies with the CSW permit.
- **Section 28.18:** Clarify impervious surface definitions and implications for trail projects (including “distinctly set apart” criteria and trail surface classifications).

Recommendations

- **Phased Implementation:** Allow sufficient time to incorporate new requirements into long-range plans, capital programs, and budgets.

- **Technical Guidance:** Provide clear design standards and examples tailored to linear transportation projects, including right-of-way constrained scenarios.
- **Funding Support:** Establish grants or cost-share programs for BMP retrofits, land acquisition, and specialized maintenance equipment/training.
- **Permit Coordination:** Clarify interactions between MS4 and NPDES Construction Stormwater permits to streamline compliance.
- **Maintenance Resources:** Offer training, asset management tools, and performance metrics for long-term BMP upkeep in highway environments.
- **Exemptions:** Explicitly exempt counties without zoning authority from Section 18.15 requirements.

We appreciate MPCA's commitment to improving water quality and look forward to collaborating on solutions that balance environmental protection with practical implementation across Minnesota's transportation system. Thank you for considering our comments.

Sincerely,



Adam Ritsche

Benton County Environmental Tech

February 9, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Unit
520 Lafayette Road North
Saint Paul, MN 55155
Ms4permit.pca@state.mn.us

Re: Early draft MS4 General Permit Comments

Dear MPCA permit staff:

The Coon Creek Watershed District (CCWD) appreciates the opportunity to provide feedback on the Early draft 2026 MS4 General Permit. As a non-traditional MS4 working jointly with our municipal partners, we share a common desire for effective and efficient management of regulated stormwater to protect and restore our receiving waters. The following are our comments organized by Minimum Control Measure (MCM):

MCM 1 Public Education and Outreach

16.8 subpart b. We request MPCA remove the requirement to document quantities and dates of educational materials distributed. It is an onerous task to keep track of quantities of materials distributed over time and often does not reflect the quality of engagement. We feel this is also redundant with 16.8 subpart c which requires estimated audiences reached per outreach activity.

MCM 2 Public Participation/Involvement

MCM 3 Illicit Discharge Detection and Elimination

MCM 4 Construction Site Stormwater Runoff Control

19.12 "The Permittee must implement a written checklist to document each site inspection... At a minimum, the checklist must include the permittee's inspection findings on the following areas... h. owner/operator of construction activity self-inspection records.

We request deleting item h as this has been a point of contention in our past inspections and feel it should be enforced by MPCA staff under the Construction Stormwater General Permit Item 11.12. Asking for records which we do not enforce changes the tone of the inspection and can strain the relationship between site managers and inspection staff.

MCM 5 Post-Construction Stormwater Management

MCM 6 Pollution Prevention/ Good Housekeeping for Municipal Operations

21.13 "The Permittee must evaluate whether the permittee applies pesticides outdoors that contain one or more ingredients which meet the definition of PFAS..."

We request the MPCA provide further clarification on this new requirement. What does such an evaluation entail? Does this apply only to pesticides applied directly by permittee staff or also by contractors? We have hired certified pesticide applicators to control target species, but do not dictate the selection of chemicals. It is our understanding that the

Minnesota Department of Agriculture regulates pesticide use including record-keeping requirements.

Section 22 Discharges to Impaired Waters

General: At the MECA Pre-Conference session covering updates to the MS4 permit, the MPCA presenter indicated that no BMPs constructed to meet NPDES permit requirements, including for redevelopment or road reconstruction projects, would be eligible for TMDL WLA credits. Can you clarify that BMPs constructed after the applicable TMDL baseline year that receive runoff from existing or fully reconstructed impervious surface, despite being required to meet today's stormwater management rules, are indeed eligible towards achieving applicable WLAs (i.e., see 22.5 subpart a). If not, this creates a major disincentive to thoroughly pursuing and exhausting all options to meet and exceed stormwater treatment requirements as part of municipal redevelopment and reconstruction projects.

22.3 Unlike for structural BMPs where applicants are required to provide an estimate of TSS and/or TP load reduction (subpart a), this is not required for non-structural BMPs (subpart b). Can the MPCA clarify that TSS and/or TP load reductions calculated for non-structural BMPs such as enhanced street sweeping can be reported and are eligible towards achieving applicable WLAs. We feel strongly that enhanced street sweeping is an effective and efficient BMP for reducing TSS and TP and that eligibility towards meeting WLAs is an important incentive for implementing enhanced sweeping programs.

22.4 is a calibrated Soil & Water Assessment Tool (SWAT) model considered an Agency-approved method for determining estimated TSS and TP load reductions? If not, we request that SWAT be added to the list of Agency-approved methods as we have found it performs better compared to approved models like P8 for drainage systems with significant in-channel and in-line pond pollutant loading sources. SWAT outputs, on a daily timestep, are also easier to compare against complex TMDL WLAs calculated as daily loads across stream flow regimes versus summarized annual load reduction estimates from simplified calculators.

Section 23 Water Quality Trading

General: CCWD is in favor of establishment of a water quality trading program; we especially appreciate the flexibility of allowing applicants to develop a preliminary trade plan that includes a single project, multiple projects, or a trading program.

23.6 Can a trading plan be approved any time prior to construction of a trading project or is there a maximum allowable period between approval of the plan and construction of the BMP?

Other

3.3 Prior to authorizing a non-stormwater discharge... the permittee must consider factors such as volume, temperature, suspended solids, pH, and concentration of any chemical additives in the discharge, such as chlorine/chloramine in potable water..."

We request the MPCA clarify what it means to consider these factors and how to document consideration for common occurrences like residential irrigation, hydrant flushing, etc.

28.9 ..."Pavement rehabilitation that does not ~~disturb~~ expose the underlying soils (e.g., mill and overlay projects) is not construction activity"

In defining "Construction Activity", we recommend retaining the original language of "disturb" versus "expose" as this is a more straightforward threshold to evaluate and enforce. We also value consistency between the MS4 General Permit and Construction Stormwater Permit.

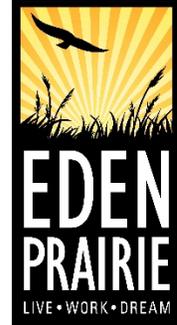
Finally, CCWD staff acknowledges the significant undertaking by MPCA staff to develop an eService for annual reporting under this permit. We ask that prior years of deferred reporting under the 2020 MS4 General Permit be forgiven to focus on learning this new reporting system and making improvements to record-keeping going forward.

Thank you for your consideration.

Respectfully,

Jim Hafner
Board President

To: ms4permit.pca@state.mn.us, Minnesota Pollution Control Agency
From: Lori Haak, Water Resources Coordinator
Patrick Sejkora, Water Resources Engineer
Date: February 11, 2026
Re: Pre-Public Notice Draft MS4 General Permit Comments



The City of Eden Prairie appreciates the opportunity to comment on the Pre-Public Notice Draft MS4 General Permit. Below please find our comments.

Interest: The City of Eden Prairie is a regulated MS4 under the General Permit.

General Comments

Any additional requirements for documentation and/or education require MS4s to draw focus, effort, and resources away from implementation of proven, measurable water quality improvement practices. Adding administrative permit requirements that will provide nominal benefit to water quality are not the highest and best use of limited resources.

Comments Related to Specific Permit Sections

Section 3:

Permit Item 3.2:

Action: Remove “emergency”

Reason: Not all non-emergency firefighting activities result in significant contributions of pollutants (e.g., neighborhood pop-up events). Additionally, training of firefighters often requires clean non-stormwater discharges or flows that should also be subject to this provision.

Permit Item 3.3:

Action: Remove this permit item.

Reason: This is a significant increase in the scope of Section 3 of the permit. These resources are better used for other initiatives (e.g., street sweeping) with a more direct water quality benefit.

Section 12:

Permit Item 12.10:

Action: Provide some parameters around monitoring. (For example, should the receiving water be monitored or the BMPs?)

Reason: Monitoring is not defined here in scope or practice. Is it in water sampling from the impaired water or is it sampling from load-reducing BMPs? The timeframe for monitoring is also not defined.

Section 16:

Permit Item 16.3:

Action: Remove this permit item.

Reason: The educational and outreach provisions of the permit are quite thorough already, which is burdensome for small MS4s. Additional requirements with minimal benefit to water quality are not the highest and best use of limited resources.

Section 17:

Permit Item 17.3:

Action: Change language to “adequacy of the stormwater education, operation, and maintenance programs.”

Reason: The general public does not care about the SWPPP, but rather its implementation. This change would provide flexibility for MS4s to solicit input on specific elements of the SWPPP most likely to generate comments.

Section 18:

Permit Item 18.11:

Action: Remove the new language.

Reason: This is a significant change for some MS4s and is burdensome and unnecessary. With MS4s already inspecting 100% of structural stormwater BMPs and 20% of ponds and outfalls every year, the benefit gained by the proposed change will be limited.

Permit Item 18.12:

Action: Remove the new language.

Reason: It may not always be feasible or fiscally responsible to fully remove and/or clean up illicit discharges reported to and/or discovered by the MS4. Additionally, there are so many types of illicit discharges possible in MS4s that it is impractical to develop written procedures to address every possibility.

Permit Item 18.15:

Action: Remove this permit item.

Reason: There is already a law prohibiting PFAS in firefighting foams for MS4s with the exception of authorized airports. This permit item is unnecessary.

Permit Items 18.17, 19.13 and 20.21:

Action: Please change to “names and titles.”

Reason: The department names in MS4s are not instructive because they can be vastly different between agencies. (e.g., Eden Prairie’s Building Inspection Division is part of the Fire Department; Water Resources is part of the Public Works Department.) Also, this is likely not a format in which data is kept in MS4s. Titles are more helpful when determining whether or not an individual should receive a certain type of training.

Section 21:

Permit Item 21.13-21.15:

Action: Remove these permit items.

Reason: Regulation of PFAS in pesticides through the stormwater permit is an overreach. Source reduction of PFAS through regulation of PFAS-containing products is a more reasonable and cost-effective approach. If there is a strong desire or need to address PFAS in pesticides, they should be addressed in statewide pesticide regulations instead. There is an existing pesticide applicator licensure through the Minnesota Department of Agriculture (MDA) that could be leveraged for this purpose. Additionally, it is anticipated that MDA will ban PFAS-containing pesticides within the term of this permit, making these sections unnecessary.

Section 22:

Comment: The amount of data required in this section of the permit will take a significant amount of time and energy for some MS4s to collect and enter. How and why is TMDL/WLA data used and collected? Is the data requested in Section 22 all that will be required for TMDL reporting? Or will additional data be required?

Action: Provide any forms and/or reporting tools to MS4s ahead of the draft permit being finalized.

Reason: TMDL reporting is confusing for MS4s who haven't reported on it before. The form should not contain anything substantive beyond what is included in Permit Section 22.

Permit Item 22.11:

Action: Add education and site design as possible assessment areas.

Reason: MS4s have been reducing de-icing salt application over time and may reach a point where further reduction may not be feasible given public safety considerations. Education and site design may afford additional opportunities for chloride reduction.

Section 23: Water Quality Trading

Action: Modify Section 22 of the permit to allow in-lake and in-stream pollutant reduction as BMPs towards WLAs within the geographical area of the permittee's MS4. Then modify proposed Section 23 of the permit (water quality trading) to apply solely to water quality improvements within the geographical area of adjacent MS4s within the same subwatershed.

Reason: The review and approval of all Water Quality Trading plans/programs is a significant burden on the MPCA. If in-lake or in-stream modifications could be classified as BMPs under Section 22 and were subject to the same requirements for documentation as the rest of the BMPs, it would streamline the process and allow MS4s to manage in-lake and in-stream projects without requiring MPCA review and approval of a trading plan or program.

Action: Determine if there is a significant difference between "water quality trading program" and "trade plan." If there is, define each in Section 28. If not, revise Section 23 to use consistent language throughout.

Reason: It seems there could be a difference between these two terms, but it's not clear there is. If there is, definitions would help permittees understand the intent of each term.

Action: Add a provision by which BMPs in the trade plan/program can be removed from the inspection schedule once the resource is delisted.

Reason: Perpetual inspection of BMPs upon delisting is an unnecessary drain on MS4 resources. Following delisting, the condition of the BMP is only relevant once the resource is relisted.

Permit Item 23.10:

Action: Remove the requirement for inspection each calendar year.

Reason: It is preferable to outline project-specific inspection requirements as part of the trade plan/program because the nuances of any MS4 or BMP-specific requirements can be considered at that time.

Section 28:

Action: Provide a definition for "Water Quality Trading."

Reason: This is a new program and the name has proved to be confusing to MS4 operators. A definition will help to clarify the intended uses and applicability of the program.

Permit Item 28.18:

Action: The phrase should be changed to “slows the entry of water into the soil.”

Reason: The use of the term in the definition is unnecessary, and it should be replaced where possible.

Date: February 13, 2026

To: Minnesota Pollution Control Agency

Subject: Comments on Draft MS4 General Permit

Dear Permit Review Team,

I appreciate the opportunity to provide comments on the draft MS4 General Permit. As an Environmental Specialist and consultant supporting the cities of Anoka, Credit River, East Bethel, Otsego, Nowthen, St. Francis, and Becker Township with their MS4 compliance programs, I support the goal of reducing pollutant discharges and improving water quality.

We respectfully submit the following comments for your consideration. These comments reflect both our own input and echo themes discussed during Anoka County MS4 partnership meetings.

1. Support and Training Opportunities for MS4 Staff

There is a steep learning curve for new staff responsible for implementing the MS4 permit for municipalities. More robust support and training opportunities provided by the MPCA would benefit municipal staff and help improve overall permit compliance.

For example, the Wetland Conservation Act training and support offered through BWSR's wetland delineator training program is a strong model of a state-led program. Similar MS4 training—potentially including an optional MPCA certification program—would provide staff with clearer direction and establish a reliable support system for questions and technical assistance. In my experience, these types of courses also create opportunities for discussion and feedback, which can help clarify confusing permit language and promote consistent interpretation and implementation statewide.

Because the permit language requires individuals to receive appropriate training, the MPCA should provide accessible training opportunities to ensure staff are meeting agency standards.

2. Integration with Existing Permits

The draft MS4 permit requirements differ from those under the NPDES Construction Stormwater permit, creating potential confusion and duplication of effort. Clear guidance on how these permits interact is essential to avoid inefficiencies and ensure compliance without unnecessary administrative burden.

3. Maintenance and Long-Term Obligations

Expanded BMP implementation will increase maintenance responsibilities for local agencies. Features such as infiltration basins and underground systems require specialized upkeep to remain effective. Additional funding and training will be necessary to meet these obligations without compromising roadway safety or operational performance.

Detailed Comments: Issue → Recommended Language

Issue	Recommended Language / Action
Permit exemptions	Explicitly exempt emergency firefighting operations and potable water discharges from permit requirements.
PFAS training vs emergency use	Clarify that water-only drills or other substitutes are acceptable for training; confirm exemptions for emergency response.
Private contractor standards	MPCA should establish a statewide certification requirement for private contractors applying salt and fertilizer to reduce pollutant application and reduce enforcement burden on MS4s.
Training requirements	MPCA should provide baseline training modules for each MCM and maintenance practices as well as TMDL training.
Education plan flexibility	Clarify that written education plans may be brief and use position titles instead of names. Remove quantity requirement from Section 16.8 c – tracking quantities is not an effective means of determining if the education was useful
Illicit discharge priority areas	Provide guidance or examples for defining ‘high’ and ‘low’ priority areas to ensure audit consistency.
Buffer requirements	Clarify applicability of 50-ft buffer for linear projects near waterbodies and how it interacts with riprap or shoreline structures.

Water quality trading complexity	Simplify trading program language; provide example templates and allow off-site mitigation where space constraints exist.
TMDL/WLA crediting	Clarify methodology for distinguishing runoff from existing vs new impervious surfaces; ensure continued crediting for street sweeping and other non-structural BMPs.
TMDL/WLA BMP categories	Clarify language defining categories for TSS/TP BMPs
Definitions – ‘Disturbed’ vs ‘Exposed’	Provide clear definitions to avoid misinterpretation for linear projects.
Impervious surface – trails	Clarify ‘distinctly set apart’ language to avoid penalizing sidewalks or trails adjacent to roads where offset is infeasible.
Funding and resources	We encourage the MPCA to actively advocate for increased funding opportunities to support stormwater retrofit projects, which are often cost-prohibitive for municipalities but critical to achieving measurable water quality improvements. In addition, providing standardized templates—such as inspection forms, IDDE inventories, and maintenance checklists—would promote consistency statewide, improve efficiency for permittees, and help ensure compliance with permit requirements.

Thank you for considering these comments. Please contact me at 763.852.0496 or nikkim@haa-inc.com with any questions.

Sincerely,

Nikki McDermond-Spies
 Environmental Specialist
 Hakanson Anderson
 3601 Thurston Ave, Anoka, MN 55303
 763.852.0496 | nikkim@haa-inc.com

February 13, 2026

Cole Landgraf
Permit Writer
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

Re: Pre-Public Notice Draft MS4 General Permit Comments

Dear Mr. Landgraf,

Thank you for the opportunity to review the upcoming issuance of the 2020 MS4 permit. We have reviewed the following submittal and have the following comments/questions:

General Comments:

1. The draft permit increasingly relies on partnerships with other organizations to achieve the overall goal of protecting and improving stormwater quality. While collaboration is supported, it would be beneficial for the MPCA to provide coordinated training resources or partnership frameworks at the state level. This would alleviate the need for each individual MS4 to independently organize and implement duplicative training programs and procedures.

16 MCM 1: Public Education and Outreach:

1. Item 16.9 requires the permittee to conduct an annual assessment of the public education program to evaluate compliance and effectiveness. The extent of required tracking is unclear. For example, it is uncertain whether each MS4 is expected to:
 - a. Quantitatively track pet waste occurrences annually to measure behavioral change;
 - b. Install or maintain monitoring stations to evaluate changes in commercial salt use, which may fluctuate due to weather and other external factors.Tracking such metrics annually would represent a significant administrative and financial burden. Consideration should be given to limiting detailed effectiveness evaluations to the overall permit term rather than requiring annual quantification at this level.

17 MCM 2: Public Participation/Involvement:

1. Item 17.7 appears to be another section where formalized partnership language could be incorporated. Allowing or encouraging coordinated regional participation efforts would promote efficiency and consistency among MS4s.

20 MCM 5: Post-Construction Stormwater Management:

1. Item 20.14 similarly presents an opportunity to clarify partnership provisions. Cities and Watershed Districts frequently share responsibilities in addressing sites that fall into disrepair, particularly where jurisdictional authority overlaps. Additional guidance on acceptable shared responsibility, including documentation and enforcement roles, would provide clarity and reduce inter-agency uncertainty.

21 MCM 6: Pollution Prevention/Good Housekeeping for Municipal Operator

1. Item 21.13-21.15 reference PFAS. While PFAS are regulated under separate statutory authority, inclusion within the MS4 permit framework appears inconsistent with the traditional scope of MS4 responsibilities. Individual MS4 permittees generally lack the technical capability to properly treat, track, or implement mitigation measures for PFAS-related discharges. Furthermore, directing fire departments regarding protective measures would more appropriately fall under the authority of a Fire Marshal or other designated regulatory entity rather than under MS4 obligations. Clarification or reconsideration of this requirement is requested.

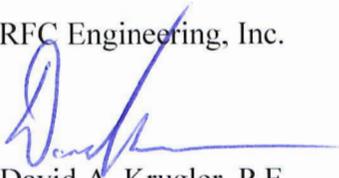
28 Definitions

1. Item 28.9 revises the term “disturb” to align with language in 28.12 of “expose”. However, this modification may introduce ambiguity regarding when certain regulatory requirements apply. Rehabilitating an existing roadway and requiring full compliance with newly established stormwater standards—effectively treating the project as undeveloped land—can create unsafe design constraints and necessitate acquisition of homes or additional right-of-way. Such requirements may result in unreasonable expense with minimal water benefit. Clarification of applicability thresholds would be more appropriately addressed within Section 19 (MCM 4) rather than within the definitions section.

We appreciate the opportunity to provide comments on the draft permit and look forward to continued coordination on these important matters.

Sincerely,

RFC Engineering, Inc.



David A. Krugler, P.E.
Ham Lake City Engineer

cc: Denise Webster
cc: Dawnette Shimek
cc: file 2602.008
cc: 2602 correspondence

Landgraf, Cole (MPCA)

From: Supervisor Two <LeSaukSPV2@outlook.com>
Sent: Friday, December 26, 2025 3:29 PM
To: MN_MPCA_MS4permit
Subject: Early draft MS4 General Permit comment

You don't often get email from lesaukspv2@outlook.com. [Learn why this is important](#)

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Daniel Heim
LeSauk Township Chairman
2320 40th Street North
Sartell, MN 56377
320-255-9923
Lesaukspv2@outlook.com

LeSauk Township holds an MS4 permit.

I would like to see:

21.7 **Each calendar year**, the permittee must ensure all individuals that perform winter maintenance activities for the permittee receive training that includes:

Changed to:

The permittee must ensure that previously trained individuals attend **receive a refresher-training every three (3) calendar years** following the initial training.

Since 19.9 - MCM 4: Construction Site Stormwater Runoff Control, and 20.18 - MCM 5: Post-Construction Stormwater Management, requires a refresher course every 3 years after initial training, and the Smart Salting for Roads training certificate is good for 5 years, I think a refresher course after 3 years would make more sense, to be in line with refresher training for MCM 4 & MCM 5.

Dan Heim



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Steering Committee:

Elizabeth Stout (Chair)

City of Minneapolis

Rick Baird (Outstate Co-Chair)

City of Mankato

Andrew Hogg (Urban Co-Chair)

City of Saint Paul

Andy Bradshaw

City of Moorhead

Bob Bean

Bolton & Menk

Bryan Gruidl

City of Bloomington

Eric Eckman

City of Minnetonka

Erick Francis

City of Saint Louis Park

Jane Byron

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Kristin Seaman

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February 13, 2026

Cole Landgraf

Permit Writer

Minnesota Pollution Control Agency

ms4permit.pca@state.mn.us

Re: Pre-Public Notice Draft MS4 General Permit Comments

Dear Mr. Landgraf:

As a coalition of over 80 permitted MS4s, MCSC is writing to provide collective feedback on the informal pre-public notice draft MS4 General Permit. Our coalition represents a diverse group of municipalities across the state with extensive experience implementing the MS4 permit and a strong commitment to effective stormwater management. We share our insights and recommendations to improve the clarity and effectiveness of the permit.

We appreciate the opportunity to provide feedback on informal pre-public notice draft MS4 General Permit. MCSC especially appreciates the three-step reissuance process that allows multiple opportunities for stakeholder feedback and appreciates MPCA willingness to engage in open discussion on the informal draft.

On behalf of MCSC member cities, we provide the attached comments on the pre-public notice draft MS4 General Permit.

Respectfully,

Rick Baird

Rick Baird, Outstate Co-Chair MCSC Steering Committee

Andrew Hogg

Andrew Hogg, Urban Co-Chair MCSC Steering Committee



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Table of Contents

Requested Action: Include a table of contents in the final version.

Reason: A table of contents simplifies navigation of the permit document.

Non-Stormwater Discharge - items 3.2 & 3.3

Requested Action: Refrain from adding “emergency” into item 3.2.

Reason: Non-emergency firefighting activities do not necessarily increase pollution contribution (e.g., pop-up neighborhood events). Existing language has been sufficient for many years.

Requested Action: Delete item 3.3.

Reason: Adds additional and unneeded complexity. Existing language has been sufficient for many years.

Fire and Police Staff Training - item 18.8

Requested Action: Remove fire and police staff illicit discharge recognition training from 18.8 and require only training on local reporting requirements.

Reason: MCSC requests that MPCA work with the state agencies that regulate and provide training for fire and police personnel to ensure that IDDE is incorporated into the standard training received by police and fire staff instead of making this a local requirement of MS4s.

Many MS4 communities have no control over the training of police and fire staff working in their communities. IDDE training for police and fire staff would be better addressed at the state level. Statewide incorporation of IDDE training in fire and police training ensures that fire and police staff across the state, not just those working in MS4s, are aware of illicit discharge issues as they respond to local emergencies.



We recognize that training on local reporting requirements is still necessary, so fire and police staff understand who to contact at the city when a potential illicit discharge is observed.

Illicit Discharge Inspection - 18.11

Requested Action: Revise permit item to state to “At least once during the permit term and to the extent allowable under state or local law, the permittee must conduct illicit discharge inspections in areas identified in item 18.10.”

Reason: Clarifying the existing permit item allows the permittee flexibility to determine inspection frequency of priority areas identified as having a high likelihood of illicit discharges as appropriate to the identified local conditions. Existing language has been sufficient for many years.

PFAS - item 18.15

Requested Action: Remove this item.

Reason: This permit section is redundant and unnecessary. Minn. Statute 325F.072 already applies within cities to prohibit the use of PFAS-containing firefighting foams. Adding this item may create conflict with state preemption status. The statute should not be tied to the MS4 permit. If MPCA has been directed to amplify PFAS regulations, it would be appropriate to implement through a statewide method directed at firefighting efforts.

PFAS - items 21.13-21.15

Requested Action: Remove these items.

Reason: These sections pull MS4 permittees into new areas of regulation that are outside of stormwater, very complicated, and in a state of flux. They create new liabilities for permittees that are not acceptable or reasonable. They are also redundant regulations in an area that is

currently sufficiently and appropriately regulated by the Department of Agriculture. More specific justification is as follows:

1. Section 21.13 includes this sentence: “*A list of ingredients which meet the definition of PFAS is available on the Minnesota Department of Agriculture website.*” In this permit, the MPCA needs to be more specific. Include a reference to a single Web page on the MDA Web site. If there is no single authoritative and current list on the MDA Web site, these sections of this draft permit should be deleted.
2. Regarding Section 21.13: The EPA toxicity database, DSSTox, lists 14,735 unique PFAS chemical compounds. Seven million are listed in PubChem. PubChem is a database of chemical molecules and their activities against biological assays. The system is maintained by the National Center for Biotechnology Information, a component of the National Library of Medicine, which is part of the United States National Institutes of Health. It is beyond the capacity of MS4 permittees to identify a list of ingredients which meet the definition of PFAS without a single authoritative and current list provided by MDA or MPCA.

The MDA Web sections associated with PFAS include this text - “*The MDA has a preliminary list of pesticide active and inert ingredients that have been identified as PFAS by the Minnesota definition which can be used for general guidance; however, these lists are not comprehensive and may be subject to change.*” In light of the additional liability these sections create for MS4 permittees, the MDA’s “*preliminary list*” that is “*subject to change*” at any time is not sufficient or appropriate for the MS4 Permit, which is legally enforceable and open to third-party litigation.

If MDA and/or the MPCA cannot provide a single current and authoritative list at the time of permit reissuance and throughout the term of this permit, these sections should be deleted.

3. The permittees need a quantitative threshold for the type and quantity of PFAS ingredients for which these permit sections apply. Some ingredients are inert. In some cases, only the lining of the can for the pesticide contains PFAS. If the MPCA chooses to impose these regulations on MS4 permittees, they must be more specific.
4. MINN. STAT. §18B.26 Subd. 1(c) includes this text: *“Anyone who purchased products which have had their state registration cancelled can continue to use these products in accordance with label directions for a period of two years following the cancellation.”* The draft permit is not consistent with this statutory language.
5. MN statute includes this language: *“18B.02 PREEMPTION OF LOCAL LAW. Except as specifically provided in this chapter, the provisions of this chapter preempt ordinances by local governments that prohibit or regulate any matter relating to the registration, labeling, distribution, sale, handling, use, application, or disposal of pesticides. It is not the intent of this section to preempt local responsibilities for zoning, fire codes, or hazardous waste disposal.”* This text refers to “ordinances”, but the MS4 Permit considers ordinances to be just one of multiple types of “regulatory mechanisms” (“A regulatory mechanism(s) for the purposes of the General Permit may consist of contract language, an ordinance, permits, standards, written policies, operational plans, legal agreements, or any other mechanism, that will be enforced by the permittee.”). Before cities that are MS4 permittees implement local regulatory mechanisms to comply with these draft permit sections, they will require a written legal opinion from the Attorney General’s Office stating that such mechanisms do not violate this statutory preemption of local law provision.
6. MN statute includes this language:
“18B.03 POWERS AND DUTIES OF COMMISSIONER.
Subdivision 1. Administration by commissioner. The commissioner shall administer, implement, and enforce this chapter and the

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Department of Agriculture is the lead state agency for the regulation of pesticides. The commissioner has the sole regulatory authority over the terrestrial application of pesticides, including, but not limited to, the application of pesticides to agricultural crops, structures, and other nonaquatic environments. Except as provided in subdivision 3, a state agency other than the Department of Agriculture shall not regulate or require permits for the terrestrial or nonaquatic application of pesticides.

Subd. 3. Delegation and data sharing to approved agencies. The commissioner may, by written agreements, delegate specific inspection, enforcement, and other regulatory duties of this chapter to officials of approved agencies. The commissioner may enter into data sharing agreements with other state agencies to help assess the potential for unreasonable adverse effects to human health and the environment from the use of a pesticide.”

This language, especially when combined with the preemption of local law section of the statute, appears to clearly avoid the sort of redundant and confusing additional pesticide regulations that are included in this section. This justifies the deletion of these sections. At minimum, the cities regulated by this MS4 permit would require written delegation by the MDA Commissioner to authorize this additional and redundant pesticide regulation by the MPCA.

7. Section 21.15 includes this text: “*the permittee must document: a. the last known date the PFAS containing pesticide product was applied*”. This provision creates a requirement that will be difficult or impossible for a permittee to meet. MCSC does not see sufficient reason to create such an inappropriate liability for the permittees.
8. MCSC is concerned these sections will create compliance and enforcement confusion for the permittees. Will these sections be enforced by the MPCA or enforced by MDA under the current pesticide statutes? Will MPCA and MDA coordinate compliance determinations and enforcement actions? Cities are concerned that



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they will receive conflicting or confused messages and/or direction from multiple State agencies. Clarification is necessary about how these items will be handled.

Taken together, all these aspects of these sections appear to make it clear that the MPCA is overstepping its authority and capacity by including these redundant and confusing additional pesticide regulations in this draft permit. These sections create inappropriate additional liabilities for the permittees. MDA's work and programs to address PFAS are not sufficiently mature to support this type of regulation in the MS4 Permit. These sections require local stormwater professionals to address technical aspects of pesticides that are beyond their expertise, knowledge, and experience. It is best to leave pesticide regulations with the MDA and delete these sections from this permit. For this reason, MCSC requests the MPCA remove these items.

TMDL - section 22

Requested Action: Ensure that the permit language in Section 22 includes all reporting requirements and only the specific information MPCA needs for WLA tracking.

Reason: The current TMDL WLA reporting and tracking process is based on a guidance document and isn't spelled out in the permit. MCSC welcomes the clarity of spelling out the WLA tracking and reporting requirements in the MS4 permit. MCSC asks that MPCA ensure the permit targets only the specific information MPCA is required to track to confirm progress toward WLAs. Cities manage numerous BMPs to address multiple TMDL WLAs. Some cities are tracking hundreds of BMPs and dozens of TMDL WLAs. Reporting on this quantity of BMPs can become burdensome. A system in the permit that provides a clear and targeted tracking and reporting method will be the most effective.





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WQ Trading - section 23

Requested Action: MCSC strongly recommends that the MPCA reconsider and significantly revise all the sections related to water quality trading. Simplify and streamline all the provisions. We commend the Agency for including a trading plan in this permit, but we urge the Agency to start with something relatively simple and straight-forward, suitable for the relatively small and numerous projects that are implemented by local stormwater programs. If elements prove to be problematic, the program can be revised in future permits.

Reason: This section appears to be derived from the existing water quality trading program developed and implemented for wastewater projects and programs. In multiple ways, the program as proposed is unworkable for both the permittees and the MPCA. Wastewater projects tend to be large and relatively small in number. Municipal stormwater projects that would be suitable for trading tend to be small and numerous. The trading program in this draft permit is overly complex and cumbersome. As such, permittees will be reluctant to utilize this program. We believe that the MPCA will find this program to be unworkable.

Specific deficiencies include the following:

1. In Section 23.4, the requirement that a permittee's trading plan be consistent with the Agency's water quality trading guidance that was developed for wastewater projects is unreasonable and unworkable.
2. The processes involving review and approval by the MPCA listed in Sections 23.6 and 23.8 are unworkable in multiple ways.

Municipal stormwater projects that would be suitable for trading are frequently opportunistic. Opportunities for such projects can rise quickly and cities must act on them in a timely manner. The work and bid prices frequently depend on seasonal conditions. Variables related to local funding and budgeting can affect a city's ability to proceed with a project. If a project is delayed and the season is lost, the entire project can be jeopardized. Allowing 90 days for submittal in advance of approval, with





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the possibility of an extended timeframe at the Agency's discretion, is simply not feasible. Cities need to be able to move on stormwater projects quickly, in a timely manner, and with scheduling certainty.

The concept of a single "trade plan" is flawed. A city may have multiple stormwater projects suitable for trading within a single construction season. Such projects may arise quickly or become feasible in a short timeframe because of funding and budgeting variables. A single trade plan could be revised multiple times within a single season and, under the draft permit conditions, require Agency review and approval with each revision. This would be unworkable for both the permittees and the MPCA.

It is impossible, at this time, to predict how many cities will utilize this proposed program and how many projects and plans will be submitted to the MPCA. This proposed program was discussed with a group of MCSC members including about 50 city stormwater professionals. Because of the complexity of this proposed trading program, the cities were reluctant or unable to say whether submitting any of their projects that might be suitable for trading would be worth the trouble and headaches.

MCSC finds it difficult to envision how the MPCA will provide and fund sufficient staff to perform the reviews and approvals listed in these sections. The MPCA has a history of using Clean Water Funds for additional staffing. Using Clean Water Fund monies to support this process will be inappropriate and unacceptable. Clean Water Funds should instead be used for implementation of water quality improvement projects. Charging the permittees to cover these staff costs through higher MS4 permit fees will be inappropriate and unacceptable. It should be noted that the MPCA has had problems in the past with timely reviews and approvals of water-related plans and permits, incurring the displeasure of the permittees and the Legislature.

MCSC urges the MPCA to abandon the portions of this proposed trading program that include the concept of a single trade plan that requires MPCA review and approval. Instead, allow the permittees to proceed with





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stormwater projects without Agency review and approval and address any issues in local program audits.

Requested Action: Incorporate a trading option to allow MS4s to share credits for cooperative projects treating stormwater from the same watershed across multiple jurisdictions/MS4 areas.

Reason: It is MCSC's understanding that the water quality trading program as currently proposed in the pre-public notice draft MS4 permit is intended to address trading between LAs and WLAs to benefit the impaired water of concern within a municipality or contributing subwatershed. MCSC appreciates the addition of this option for cases where projects outside the MS4 system would be a more effective method to address the downstream impairment.

However, we understand that as currently written, any project that reduces pollutants from an MS4 outfall is not eligible for a trade unless the trading MS4 is below their WLA. However, stormwater often crosses municipal boundaries and there are many cases where stormwater treatment may be more effective through a cooperative BMP project in a downstream MS4. MCSC encourages MPCA to incorporate a trading program to allow sharing of WLA credits for projects where multiple permittees participate in a cooperative effort to install a BMP to treat stormwater from their contributing MS4 systems.

WQ Trading - items 23.9 & 23.10

Requested Action: Remove sections 23.9 and 23.10

Reason: A requirement to prepare a procedure for BMP inspection, operation, and maintenance is already included in item 23.7. Additionally, item 23.8 requires the incorporation of the trade plan into the SWPPP which ensures the specifics of the trade plan and the associated inspection, operations, and maintenance are incorporated into permittee operations and permit reporting procedures. Section 23.9 and 23.10 outline additional reporting requirements that may not be necessary for the specific BMPs



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proposed in the trade plan or trade program and limit flexibility to address the specific circumstances in each trade plan.

WQ Trading - section 28

Requested Action: Include a definition of water quality trading.

Reason: The water quality trading program is a new addition to the MS4 permit. A definition would clarify the intended use and applicability of the program.

Additional Comments

General:

It is a more effective use of MS4's limited time and resources to prioritize annual reporting and actual program implementation over requiring MS4s to conduct annual assessments for each MCM (i.e., 16.9, 17.8, 18.19, 19.15, 20.23, 21.18). An assessment of programs occurs naturally in years where annual reporting is required without requiring an additional record keeping burden.

Education and Outreach:

Every MS4 in the state is required to perform Public Education and Outreach (MCM 1), Public Participation/Involvement (MCM 2), and education as part of every other MCM. How can the state better partner with MS4s to amplify state-wide or regional messaging about these important water quality issues (e.g., chlorides, pet waste, illicit discharge)?



Draft MS4 general permit

Date: 2/12/2026

To: Cole Landgraf, MPCA

From: Katie Kowalczyk, MnDOT Metro District Water Resources Engineer

RE: Informal Pre-public Comments

Thank you for the opportunity to review and comment on the draft MS4 general permit changes. As the Metro District of MnDOT, we recognize that we are a non-traditional permit holder and some of the requirements may need to be considered differently. If you would like to discuss further, please let me know.

MCM 3, Section 18

18.11: Requesting flexibility in the frequency of inspections or frequency set by each of the categories in 18.10. Once per calendar year is a high frequency of inspections to start with, especially when this method does not typically identify pollutant sources for our MS4. Please note section 18.10 includes part a. land uses associated with business/industrial activities. "business activities" is very broad. If illicit discharges have been identified in the past (part b), this could be a more frequent inspection frequency than "business activities" (part a).

18.12: The requirement for removal and cleanup of an illicit discharge may not be feasible for MnDOT. Since we do not have authority over land outside MnDOT's right of way, we do not have regulatory authority to require landowners to react. While we do not want contaminated materials to discharge to MnDOT right of way, we are limited in actions that we can perform to require clean up a source that is outside our authority.

MCM 4, Section 19

19.8: Please clarify what type of complaints should have written procedures. MnDOT receives many construction complaints, such as concerns about commute disruption, which may be handled differently than a potential pollutant source complaint.

If MPCA intends to require annual reporting of construction complaints, please specify the type of construction activity complaints.

MCM 5, Section 20

20.14: MnDOT does create agreements for any shared systems. Shared systems or use of MnDOT right of way is managed with agreements or easements, which require access for either agency, regardless of ownership or

maintenance responsibilities, which are also defined in the agreements. MnDOT is not a regulatory enforcement agency to enact a legal mechanism or perform enforcement actions. Please clarify the expectation for MnDOT to meet this requirement.

MCM 6, Section 21: PFAS

21.14.d. Locations where product is applied

What level of location (city, county, nearest Street intersection, coordinates)?

21.14.e. Amount applied annually

How should the amount be reported? Acres treated? Ounces applied? Is rate important?

How should the permittee address herbicide application by utility companies, contractors, and other third party applicators?

TMDL, Section 22

Thank you for clarifying that redevelopment structural BMPs will continue to provide progress toward TMDLs.

22.5 and 22.6: What is the reason for stating that “prior to the submittal of the annual report”? It seems like the annual report should include the estimated load reductions, so stating “prior to” submittal is unclear.

Water quality trading, Section 23

Please define what is considered a trade. Due to MnDOT’s shape and nature of drainage through, from, and to our system, many of our stormwater management facilities result in some type of shared jurisdiction drainage area, and shared treatment facility. It is not clear why this additional step and regulatory agency approval is being required now when shared systems have been commonly done with MnDOT and adjacent agencies for decades.

We understand the written plan and approval process for trading between sectors; however, trading between stormwater management facilities when implementing shared or regional facilities should be done at the local scale and reported through the MS4 annual report, especially when following the compliance sequence already laid out in the MS4 permit that requires “additional right-of way, easements, or other permission” in Section 20.7. Developing a written plan for each trade that may happen, and obtaining an approval from MPCA will impact MnDOT’s ability to complete projects within the funding and schedule constraints. Many watershed districts track banking in their jurisdiction. If another agency will need to have input on common stormwater management practices, it would result in redundant oversight and cause challenges between agencies that could impact project delivery.

We request that this section be modified to clarify that MPCA approval is required when trading between sectors, but MS4 permittees do not need to get MPCA approval when achieving stormwater compliance in shared jurisdictional facilities, and that permittees must track how their compliance is achieved with additional information required when shared or regional systems are used for compliance.

23.7: Many of the requirements in the written preliminary trade plan seem to be geared toward sector trading. See general comment for this section to require plans only for trading between sectors. When sharing credits or obtaining additional right of way or buying into a regional system, the stormwater management functions the same, so many of the bullets in this section would only add more unnecessary complexity to the long-term operation instructions and SWPPP.

23.10: Depending on whether shared or off-site stormwater management is considered a trade, this section could unnecessarily increase inspection frequency of BMPs.

Appendix C

Please clarify how treatment requirements are determined for projects that include both MS4 and non-MS4 area. For example, if less than one acre of impervious reconstruct is in the MS4, and more than an acre of reconstruct is in the non-MS4 part of the project, is the project required to provide stormwater treatment? Our interpretation of the MS4 permit only applies to the portion of the project that is in the MS4 jurisdiction, so in this case where the MS4 portion of the project does not meet the one acre requirement but the whole project does have more than an acre of impervious reconstruct, stormwater treatment would not be required under MS4.

Draft MS4 general permit

Date: 2/13/2026

To: Cole Landgraf, MPCA

From: Tara Carson, MnDOT Outstate Districts Permit

RE: Informal Pre-public Comments

Thank you for the opportunity to review and comment on the draft MS4 general permit changes. As a transportation agency, we recognize that we are a non-traditional permit holder and some of the requirements may need to be considered differently. If you would like to discuss further, please let me know.

MCM 3, Section 18

18.11: Requesting flexibility in the frequency of inspections or frequency set by each of the categories in 18.10. Once per calendar year is a high frequency of inspections to start with, especially when this method does not typically identify pollutant sources for our MS4. Please note section 18.10 includes part a. land uses associated with business/industrial activities. "business activities" is very broad. If illicit discharges have been identified in the past (part b), this could be a more frequent inspection frequency than "business activities" (part a).

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19.8: Please clarify what type of complaints should have written procedures. MnDOT receives many construction complaints, such as concerns about commute disruption, which may be handled differently than a potential pollutant source complaint.

If MPCA intends to require annual reporting of construction complaints, please specify the type of construction activity complaints.

MCM 5, Section 20

20.14: MnDOT does create agreements for any shared systems. Shared systems or use of MnDOT right of way is managed with agreements or easements, which require access for either agency, regardless of ownership or

maintenance responsibilities, which are also defined in the agreements. MnDOT is not a regulatory enforcement agency to enact a legal mechanism or perform enforcement actions. Please clarify the expectation for MnDOT to meet this requirement.

MCM 6, Section 21: PFAS

21.14.d. Locations where product is applied

What level of location (city, county, nearest Street intersection, coordinates) do you want documented? Adding specific details of reporting expectations will standardize permittee reporting and reduce confusion.

21.14.e. Amount applied annually

How should the amount be reported? Acres treated? Ounces applied? Is rate important?
How should the permittee address herbicide application by utility companies, contractors, and other third party applicators? Adding specific details of reporting expectations will standardize permittee reporting and reduce confusion.

TMDL, Section 22

Thank you for clarifying that redevelopment structural BMPs will continue to provide progress toward TMDLs.

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We understand the written plan and approval process for trading between sectors; however, trading between stormwater management facilities when implementing shared or regional facilities should be done at the local scale and reported through the MS4 annual report, especially when following the compliance sequence already laid out in the MS4 permit that requires “additional right-of way, easements, or other permission” in Section 20.7. Developing a written plan for each trade that may happen, and obtaining an approval from MPCA will impact MnDOT’s ability to complete projects within the funding and schedule constraints. Many watershed districts track banking in their jurisdiction. If another agency will need to have input on common stormwater management practices, it would result in redundant oversight and cause challenges between agencies that could impact project delivery.

We request that this section be modified to clarify that MPCA approval is required when trading between sectors, but MS4 permittees do not need to get MPCA approval when achieving stormwater compliance in shared jurisdictional facilities, and that permittees must track how their compliance is achieved with additional information required when shared or regional systems are used for compliance.

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23.10: Depending on whether shared or off-site stormwater management is considered a trade, this section could unnecessarily increase inspection frequency of BMPs.

Appendix C

Please clarify how treatment requirements are determined for projects that include both MS4 and non-MS4 area. For example, if less than one acre of impervious reconstruct is in the MS4, and more than an acre of reconstruct is in the non-MS4 part of the project, is the project required to provide stormwater treatment? Our interpretation of the MS4 permit only applies to the portion of the project that is in the MS4 jurisdiction, so in this case where the MS4 portion of the project does not meet the one acre requirement but the whole project does have more than an acre of impervious reconstruct, stormwater treatment would not be required under MS4.

Landgraf, Cole (MPCA)

From: Eric Eckman <eckman@minnetonkamn.gov>
Sent: Thursday, February 12, 2026 1:28 PM
To: MN_MPCA_MS4permit
Subject: Early draft MS4 General Permit comment
Attachments: MCSC Comments - PrePublic Notice MS4 Permit 20260213.pdf

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Name: Eric Eckman
Organization: City of Minnetonka

The City of Minnetonka water resources staff helped draft and fully support the comments provided by the Minnesota Cities Stormwater Coalition (MCSC), attached to this email. In addition to the MCSC comments, staff submit the following additional comments:

1. Interest in the permit.

As water resources staff for an MS4, we have numerous duties and responsibilities listed in the MS4 Permit and we support many other staff with responsibilities listed in the Permit. Our goal is to protect and improve our waters.

2. Actions for MPCA to take, including specific references to the permit items that should be changed.

Public Education and Outreach

Sections 16.3-16.8 – Please move sections 16.7 and 16.8 up, just under section 16.3. These 3 sections appear to be related. Then proceed with sections 16.4-16.6 which are individual sections that appear to be unrelated to the others.

3. Reasons supporting our position.

Rearranging these sections would help with the overall flow and cohesiveness of the document and provide better clarity as to what is included and required as part of the written education and outreach plan, and what is not.

Thank you for this early opportunity to provide input on this important draft permit language. We sincerely appreciate the MPCA's collaboration and coordination with cities early and often during this effort.

Eric



Eric Eckman, CFM | He, Him, His
Water Resources Programs Manager
City of Minnetonka | minnetonkamn.gov

14600 Minnetonka Blvd. | Minnetonka, MN 55345
Office: 952-939-8233

Landgraf, Cole (MPCA)

From: Emily Resseger <EResseger@mwmw.org>
Sent: Friday, February 13, 2026 8:16 AM
To: MN_MPCA_MS4permit
Cc: Dan Kalmon; Nancy Stowe
Subject: Early draft MS4 General Permit comment

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Hello-

This email contains the Mississippi Watershed Management Organization (MWMO)'s comments on the pre-public notice 2026 MS4 general permit draft. The MWMO is a watershed management organization within the Twin Cities seven-county metro area that partners with our member communities to invest in green stormwater infrastructure to improve water quality, habitat, and natural resources in our urban watershed that drains directly into the Mississippi River. We have a vested interest in the MS4 permit update because of our partnership with MS4 cities to treat stormwater effectively to protect and improve surface and groundwater quality, and as a stakeholder in the long-term health of the Mississippi River.

Our comments are as follows:

Karst

MWMO is especially interested in language in the MS4 general permit (and construction stormwater permit) related to karst, due to potential significant limits on infiltration within our watershed boundaries in active karst regions. It is our experience that stormwater regulators are interpreting permit language around karst conservatively, out of concern for the possibility of unknown karst features in active karst regions.

Our primary request related to karst is that the MPCA convene a workgroup to research and perform engagement to add further guidance and regulations around infiltration in active karst regions. We have had conversations over the past year with scientists, regulators, and other stormwater managers that have made it clear that there is more nuance to the risks associated with infiltration in karst areas than permit regulations indicate. Topics for the workgroup might include: karst definitions, differentiation between bedrock units that are more or less likely to have karst features, additional limitations to infiltration in active karst regions, and providing guidance on infiltration practice design to minimize risk in active karst regions. Outcomes from the workgroup should be incorporated into both the MS4 general permit, Phase I MS4 permits, and the construction stormwater permit.

We also have two specific recommendations for changes to the MS4 general permit:

- Provide a clear definition in the permit for “active karst features”, separate from “active karst” (defined in section 28.2). There is currently no definition for “active karst features” in either

permit, and “active karst features” is being interpreted by regulators to mean the same thing as “active karst”. A karst features dataset is available from the DNR (<https://gisdata.mn.gov/dataset/geos-karst-feature-inventory-pts>) which could be utilized, but we think it would be appropriate for the workgroup requested above to establish a clear definition.

- Simplify guidance on the distance from active karst features where infiltration is prohibited (section 20.9) to a single uniform distance around a feature. Determining if a given location is up-gradient or down-gradient from a karst feature is not straightforward and has led to confusion in application. We recommend the workgroup requested above decide on an appropriate uniform distance around a karst feature that provides adequate protection.

Water Quality Trading

We are also requesting for MPCA to expand section 23.1 Water Quality Trading. [Minn. R. 7090] to include water quality trading on development sites that are not able to meet required Watershed Management Organization Standards or Watershed District Rules. Regional Treatment Facilities should be able to trade water quality between Private to Private parties; Public to Private parties; and Public to Public parties, that are operating and maintaining existing and future Regional Treatment Facilities within a given watershed.

Thank you for this opportunity to provide comments on the pre-public notice MS4 general permit draft.

Emily Resseger, PE

Monitoring, Assessment, and Research Program Manager

*She / Her / Hers**

(612) 746-4980 direct

(612) 746-4970 office

Mississippi Watershed Management Organization

2522 Marshall Street NE

Minneapolis, Minnesota 55418-3329

www.mwmo.org

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February 13th, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155

Via email: ms4permit.pca@state.mn.us

Subject: Comments on Draft MS4 General Permit Feedback

Dear MPCA Municipal Stormwater Program Team,

Thank you for the opportunity to provide feedback on the MS4 permit and the associated Minimum Control Measures (MCMs). Olmsted County appreciates the efforts made by the MPCA to maintain consistency and effectiveness in stormwater management across the state. The following are our comments and recommendations organized by MCM, along with additional suggestions related to audits and training.

MCM 1 – Public Education and Outreach

While we have developed and do distribute locally crafted outreach materials at Olmsted County events, we feel there would be value in the MPCA assuming responsibility for MCM 1 to ensure consistent statewide messaging. Standardized outreach materials developed and distributed by the MPCA would help all MS4s efficiently meet educational goals while improving overall messaging coherence across jurisdictions, especially where jurisdictions where city, county and township jurisdictional lines are blurry (EX. City of Rochester, Olmsted County, urbanized townships).

MCM 2 – Public Participation and Involvement

-
- **Section 17.3:** We recommend removing the mandatory public meeting requirement. Public participation goals can be achieved through more flexible and modern outreach strategies. It is rare to have public attending to provide any comment.
 - **SWPPP Communication:** Clarification is requested on whether maintaining a website with the SWPPP and providing an option for public comment satisfies public participation requirements.
 - **Ongoing Outreach:** MS4s are actively engaging the public through creative means, including:
 - Calls for input via social media
 - Public engagement programming & events through the community
 - In-person outreach
 - Online educational links to yard-by-yard stormwater treatment options
 - Personalized technical visits with landowners upon request

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

- **Training Requirements – Sections 3.2 and 28.16:** We recommend removing the requirement for training police and fire personnel. For MS4s relying on contracted services or operating within small jurisdictions, this requirement is burdensome and often duplicative. A centralized or statewide training approach would be more efficient.
 - Local practices include:
 - Training through the County Sheriff’s Office when requested by townships
 - Integrating IDDE awareness into regular safety or HazWop training for relevant staff
 - Electronic knowledge point modules, YouTube training for departments such as Public Health and Zoning, Posters for staff & public posting
 - Selective formal training for public works staff only, who are most likely to identify discharges
 - We suggest clearly defining the scope of personnel required to receive formal training and accepting informal awareness methods where appropriate.

MCM 4 – Construction Site Stormwater Runoff Control

- We recommend the MPCA coordinate with the Minnesota DNR to develop consistent permitting language and requirements. Currently, MS4s face conflicting direction—particularly regarding the use of double perimeter controls near waterbodies.
- Unified language between MS4 and CSW permits will reduce confusion and improve compliance.
- Counties are generally only over-seeing our own county projects internally with our staff inspectors. The permit needs to differentiate between the requirements of Cities managing construction across the urban landscape and Counties (a non-traditional MS4) managing linear road projects and smaller building projects on county owned property. This gets very confusing.

MCM 5 – Post-Construction Stormwater Management

- The burden on non-traditional MS4s remains significant. We suggest allowing the use of internal memos to document adaptive practices and provide context.

MCM 6 – Pollution Prevention and Good Housekeeping

- **Smart Salting Training:** We request increased availability of in-person Smart Salting training sessions, as not all staff have adequate access to computers. Hosting multiple events in the fall, throughout the state and coordinating through partners could enhance accessibility.
- Continue to provide updated training materials that meet MPCA requirements for MS4 entities to utilize in staff training to ensure that we are delivering content that meets MPCA & permit expectations. Videos on a variety of stormwater topics located on the MPCA website are accessible and offer standardized training messaging that can be utilized statewide.

Other Section Specific Comments

- **Section 3.3:** MS4s could address this requirement by directing inquiries related to approval of non-municipal non-stormwater discharges through MPCA’s stormwater permitting process; however, the proposed language appears to result in unnecessary added workload for MS4s for any non-stormwater discharges.
- **Sections 21.13–21.15 (PFAS):** MPCA confirmed that PFAS provisions require a one-time inventory within 12 months of permit issuance. Because pesticide applications are regulated by the MN Department of Agriculture and cities lack jurisdiction over licensed applicators, this requirement should be clarified as a one-time review and simplified by using trade name lists that include chemical names known by MPCA to contain PFAS.
- **Section 22.5:** Clarify definitions for redevelopment, voluntary, enhancement, and reconstruction.
- **Section 28.9:** Explain rationale for changing “disturb” to “expose”; this introduces inconsistencies with the CSW permit.
- **Section 28.18:** Clarify impervious surface definitions and implications for trail projects (including “distinctly set apart” criteria and trail surface classifications).

Audits:

-
- We recommend scheduling audits outside the construction season to minimize disruptions and improve staff availability. (November-March)
 - Provide MS4's at least one month's notice to compile and submit materials to MPCA.
 - Consider returning to targeted audits of select MCMs rather than the full program to streamline the process.
 - MPCA's post-audit response time should be improved; we suggest a one-month turnaround.

Training Documentation and Required Document Posting:

- If documents are required to be posted to the MS4's website, they must be 508 compliant in order for government agencies to make them accessible on public facing sites. The documents provided to MS4 entities should be compliant when provided by MPCA.
- Please remove the requirement for content creators or presenters to certify that they have been trained. This is redundant and adds unnecessary administrative steps.

We appreciate the opportunity to provide comments on the upcoming permit and look forward to continued collaboration to ensure the MS4 permit is both effective and practical for all communities. If questions, please reach out.

Sincerely,



Ben Johnson
Olmsted County Public Works Director



17073 Adelmann Street SE
Prior Lake, MN 55372

February 13, 2026

Cole Landgraf
Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155

Re: Early Draft MS4 General Permit Reissuance Comments

Dear Mr. Landgraf and MS4 Permit Staff:

The City of Prior Lake appreciates the time and effort the Minnesota Pollution Control Agency (MPCA) has dedicated to updating the MS4 Permit by releasing an early draft for initial comments. We have completed our review of the early draft MS4 General Permit. As a member of the Minnesota Cities Stormwater Coalition (MCSC), the City of Prior Lake staff have also reviewed the comments generated by MCSC. MCSC comments are attached.

The City of Prior Lake supports the comments submitted by MCSC and recognizes their alignment with shared goals related to water quality protection. The comments raise important considerations that will strengthen the overall quality, clarity, and effectiveness of the proposed work and updated permit.

We value the collaborative partnership between our agencies and view this exchange as an essential part of a transparent and coordinated review process. Thank you for your time and consideration. We appreciate the opportunity to provide early comments before the formal public notice period in a collaborative approach.

Sincerely,

Stephanie Thulien, PE, CFM
Water Resources Engineer

cc: Nick Monserud, PE, Director of Public Works/City Engineer

Date: February 13, 2026

To: Minnesota Pollution Control Agency

Subject: Comments on Draft MS4 General Permit

Dear MPCA MS4 Permit Staff,

On behalf of the City of Ramsey, thank you for the opportunity to provide feedback on the 2026 draft MS4 permit. City staff have completed a thorough review of the proposed 2026 MS4 permit and offer the following recommendations and comments for your consideration.

1. Increased Design and Right-of-Way Requirements

The draft permit introduces stricter stormwater treatment requirements for reconstruction projects within MS4 boundaries, including treatment of existing impervious surfaces. These requirements will necessitate additional space for BMPs such as infiltration basins, filtration systems, or underground storage.

Relevant Section: *Part 28.18 – Definition of impervious surfaces and “distinctly set apart” language.*

- Clarify what “distinctly set apart” means and how far apart surfaces must be to qualify. For regional trail systems along major road corridors, this could significantly impact the ability to construct trails without purchasing additional property.
- Please specify which trails are considered non-impervious surfaces.

2. Budgetary and Scheduling Impacts

Compliance with expanded treatment standards and monitoring obligations will increase project costs and extend timelines. Incorporating new MS4 requirements during planning and scoping phases will require additional engineering resources and may delay delivery of critical infrastructure improvements.

3. Integration with Existing Permits

The draft MS4 permit requirements differ from those under the NPDES Construction Stormwater permit, creating potential confusion and duplication of effort. Clear guidance on how these permits interact is essential to avoid inefficiencies and ensure compliance without unnecessary administrative burden.

4. Maintenance and Long-Term Obligations

Expanded BMP implementation will increase maintenance responsibilities for local agencies. Features such as infiltration basins and underground systems require specialized upkeep to remain effective.

Additional funding and training will be necessary to meet these obligations without compromising roadway safety or operational performance.

5. TMDL and Pollutant Load Reduction

Meeting Total Maximum Daily Load (TMDL) allocations for impaired waters will require advanced modeling and retrofitting of existing stormwater systems. These efforts are technically complex and financially demanding.

6. Potable Water Discharge

The City of Ramsey would like additional clarity regarding the details in Section 3.2. Specifically, the city wants to ensure that this change applies when the city itself determines the allowable limits for potable water discharge, rather than relying on MPCA limits. The City of Ramsey is not opposed to considering the factors of potable water discharges; however, we want to ensure full compliance with applicable regulations.

7. Hyperlinked Table of Contents

The City of Ramsey requests that a hyperlinked table of contents be included in the final version of the 2026 MS4 permit. Adding a hyperlinked table of contents will significantly improve document navigation for MS4 permit holders, consultants, and other interested individuals. This enhancement will make it easier for users to quickly locate relevant sections, improve accessibility, and support more efficient use of the permit document.

Summary of Key Concerns

- Clarifying authority limitations and exemptions
- Addressing PFAS/firefighting foam language
- Improving training and technical guidance
- Simplifying compliance for linear transportation projects
- Preserving flexibility for TMDL/WLA tracking and water quality trading
- Providing clear definitions and practical implementation pathways

Detailed Comments: Issue → Recommended Language

Issue	Recommended Language / Action
County authority limits	Add language acknowledging that some MS4s lack zoning authority and control over fire departments; audits should reflect these limitations.

Permit exemptions	Explicitly exempt emergency firefighting operations and potable water discharges from permit requirements.
PFAS training vs emergency use	Clarify that water-only drills or other substitutes are acceptable for training; confirm exemptions for emergency response.
Private contractor standards	Include language encouraging MPCA to establish statewide certification for salt and fertilizer applicators, reducing enforcement burden on cities/counties.
Training requirements	Add provision for MPCA to provide baseline training modules for each MCM and maintenance practices; confirm 3-year cadence for existing staff.
Education plan flexibility	Clarify that written education plans may be brief and use position titles instead of names. Remove quantity requirement from Section 16.8 c – tracking quantities is not an effective means of determining if the education was useful
Illicit discharge priority areas	Provide guidance or examples for defining ‘high’ and ‘low’ priority areas to ensure audit consistency.
Inspection form completeness	MPCA should publish a standard inspection form including all required elements.
Buffer requirements	Clarify applicability of 50-ft buffer for projects near waterbodies and how it interacts with riprap or shoreline structures.
Water quality trading complexity	Simplify trading program language; provide example templates and allow off-site mitigation where space constraints exist.
TMDL/WLA crediting	Clarify methodology for distinguishing runoff from existing vs new impervious surfaces; ensure continued crediting for street sweeping and other non-structural BMPs.
Definitions – ‘Disturbed’ vs ‘Exposed’	Provide clear definitions to avoid misinterpretation for linear projects.

Impervious surface – trails	Clarify ‘distinctly set apart’ language to avoid penalizing sidewalks or trails adjacent to roads where offset is infeasible.
Funding and resources	Include language encouraging MPCA to advocate for retrofit funding and provide standardized templates (inspection forms, IDDE inventories, maintenance checklists).

Once again, thank you for considering these comments. I appreciate the opportunity to collaborate on the MS4 permit. The City of Ramsey looks forward to continued efforts to improve the MS4 permit and protect our environment. If you have any questions, please do not hesitate to reach out.

Sincerely,

Nathan Gillett

Water Resources Technician

City of Ramsey

7550 Sunwood Drive NW, Ramsey, MN, 55303

763-433-9834 | ngillett@cityoframsey.com

February 13, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Program
520 Lafayette Road North
St. Paul, MN 55155-4194

Subject: Early draft MS4 General Permit comments

Dear MPCA Municipal Stormwater Program Team,

On behalf of Ramsey County, thank you for the opportunity to comment on the draft MS4 permit. As a long-standing permittee under the MS4 Permitting program, we are directly affected by changes with every new permit cycle. We support MPCA's goals to improve water quality and remain committed to implementing effective stormwater management practices. However, we offer the following comments to ensure the permit can be practically implemented within Minnesota's transportation network, particularly along constrained highway corridors.

- **Section 3.1-3.3 - Authorized Non-Stormwater Discharges**
 - **Requested Action:** Provide more specific guidance about the instances where a permitted MS4 is required to identify non-stormwater discharges as a significant contributor of pollution and determine whether those discharges are allowed.
 - **Reason for Request:** According to reports from our colleagues who attended the MECA pre-conference meeting with the MPCA, the new language was added due to a unique situation where the discharge of a large quantity of potable water impacted aquatic life.
 - Selecting new permit language for one isolated event may not be an appropriate use for a statewide permit.
 - Discharges of this type might already be governed by a different statewide permit such as the Industrial Stormwater Permit program.
 - This language is vague enough that future interpretation could change to require this to apply to all non-stormwater discharges resulting in an oppressive amount of unnecessary work by permittees.
- **Section 18.9 – IDDE staff training**
 - **Requested action:** Provide more details on what training programs will satisfy this requirement. This section could refer to a guidance document.
 - **Reason for request:** The only training program that we are currently aware of is the U of MN's MS1108 Illicit Discharge Management class, which we currently have our IDDE response staff attend. Is it the MPCA's intention to push MS4's toward this training? If there are other options available, we need to know if they are also acceptable to the MS4 Permit staff.
- **Section 18.12 – Illicit Discharge response procedure**
 - **Requested action:** Provide additional guidance on what removal and cleanup plan procedures would be acceptable.

- **Reason for request:** This requirement will require planning cleanup procedures for a very broad range of potential discharges and spills. A more direct set of requirements for what an appropriate plan would include is necessary.
- **Section 18.15 – PFAS containing fire suppression methods restriction**
 - **Requested actions:**
 - Move this provision to **Section 21 MCM 6**
 - **Reason for request:** This section does not fit in the illicit discharge section, because it involves the known and/or planned usage of a material rather than an illicit discharge. It would fit better in the Pollution Prevention and Good Housekeeping Section.
 - Provide more explanation on what is expected in order to comply with this provision.
 - **Reason for request:** This doesn't provide enough info on what would constitute due diligence for a permittee to comply with this requirement.
- **Sections 19 and 20 – Construction and Post-construction stormwater management requirements**
 - **Requested action:** Include exemptions from the permit enforcement components of these sections for road agencies and other permittees that don't have zoning and other regulatory authority.
 - **Reason for request:** It has generally been accepted by the MPCA that road agencies are not required to create and enforce requirements where they have no regulatory authority. Our county has tried to follow the spirit of these requirements by applying these to the small areas where we do have statutory authority. However, we became aware of at least one instance recently where a county may have been cited for the lack of a water quality / volume reduction program. We want the MS4 permit to include an acknowledgement of the regulatory restrictions that these MS4s work under and a clear listing of where we can consider our programs to be exempt.
- **Sections 19.8 – Complaint response**
 - **Requested action:** Provide more clarity on whether this provision is intended to be followed under a permittee's regulatory program or for all permittees' own construction projects.
 - **Reason for request:** This provision has always been unclear on whether counties and other road agencies are required to include this in their construction programs.
- **Section 20.16 – Inventory of BMPs not owned/operated by the permittee**
 - **Requested action:** Provide clarity whether this provision applies to BMPs constructed to comply with a permittee's regulatory program or for BMPs in the permittees MS4 with maintenance agreements.
 - **Reason for request:** This section has always been a little confusing as to which permittees it applies.
- **Sections 21.12 – Operations and maintenance training**
 - **Requested action:** Include a list or reference to guidance documents for what training will comply with this section.
 - **Reason for request:** This section does not provide guidance on appropriate training materials and/or courses. How do we know that we are effectively complying with this requirement? Are we supposed to use the U of MN BMP management course for this?

- **Sections 21.13-21.15 – PFAS containing pesticides**
 - **Requested action:** Provide a clear expectation as to how often a permittee must go through this inventory.
 - **Reason for request:** According to the MPCA representatives at the MECA conference, this is intended to be a one-time inventory to be completed within one year of permit issuance. The permit needs to make clear that we aren't required to update this inventory annually.
- **Section 23 – Water Quality Trading**
 - **Requested action:** Simplify this process where the permit allows MS4s to make trade agreements without implementing a brand new program.
 - **Reason for request:** This seems like a lot for an individual program to find the time to undertake as it is structured. We have doubts as to how many permittees would actually undertake this kind of program. It would be more efficient for the MPCA to develop a program with a more simplified process for permittees to use.
- **Sections 28.18 – Impervious Surface**
 - **Requested action:** The MPCA needs more specific guidance on what recreational trails qualify as impervious surface. The permit should specify a setback distance, and trails that drain away from the roadway, regardless of how parallel they are, should qualify for this exemption.
 - **Reason for request:** The language is too vague on how a trail would qualify for the exemption. There needs to be a defined minimum distance in order for project planners to implement this. Also, how do you define how "parallel" a trail needs to be. If it is purposefully designed to drain into pervious vegetated areas, it shouldn't matter whether it is parallel to the roadway.

Brian E Isaacson

Brian Isaacson
Director
Ramsey County Public Works
1425 Paul Kirkwold Drive
Arden Hills, MN 55112
Brian.isaacson@ramseycounty.us
651-266-7115

Landgraf, Cole (MPCA)

From: Nicole Maras <nicole.maras@rwmwd.org>
Sent: Thursday, February 12, 2026 3:25 PM
To: MN_MPCA_MS4permit
Subject: Early draft MS4 General Permit comment

You don't often get email from nicole.maras@rwmwd.org. [Learn why this is important](#)

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Thank you for the opportunity to comment on this pre-public notice. I represent a watershed district that is also an MS4 permittee.

- Section 19.12- Recommend adding a line item to the checklist requirements regarding the robust protection of permanent infiltration/filtration BMPs during construction, including keeping them offline and free of construction sediment.
- Section 20.14- Clarifying question (not necessarily a change): Does there need to be (or should there be) a legal mechanism between two MS4s for this requirement (for example, if a structural BMP is constructed by an MS4 to meet the requirements of another MS4's land development rules). Is a signed agreement or MOU necessary if that BMP is now part of the owner's MS4 and is subject to the applicable inspection and maintenance requirements therein?
- Section 21.12- Clarifying question (not necessarily a change): Are there trainings that the MPCA can cite or recommend for this requirement? The U of M Erosion & Stormwater Management program has a BMP maintenance certification which would presumably meet the requirement – any others?



Nicole Maras

Regulatory Program Manager | she/her
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Note: My hours have changed. My current work days are Mon, Wed, and Thurs. Thanks for your understanding.



DATE: 2/12/2026

MAYOR

MARY SUPPLE

CITY COUNCIL

WALTER BURK

SHARON CHRISTENSEN

RORI A. COLEMAN-
WOODS

SEAN HAYFORD OLEARY

CITY MANAGER

KATIE RODRIGUEZ

TO: Minnesota Pollution Control Agency

FROM: Mattias Oddsson, Water Resources Engineer, City of Richfield

SUBJECT: Early draft MS4 General Permit Comment

Thank you for providing an opportunity for MS4 permittees to comment on draft revisions through this pre-public notice review period. We greatly appreciate the commitment to engaging with MS4 permittees that MPCA has shown in this process.

The purpose of this memorandum is to relay the City of Richfield's comments on the proposed changes in the draft permit. Comments are organized by section, in the order they appear in the draft permit. Where specific changes are requested, we have provided rationale as to why.

We look forward to continued engagement and collaboration with MPCA staff through the permit reissuance process.

Best Regards,

Mattias Oddsson

Mattias Oddsson, Water Resources Engineer

- Section 3.2-3.3
 - Section 3.2 authorizes listed non-stormwater discharges to enter the MS4 provided they are not identified as significant sources of pollution/illicit discharges. However, the revisions to section 3.2 and the added section 3.3 introduce a great deal of confusion regarding how permittees are expected to manage non-stormwater discharges.
 - The language added in section 3.3 as written seems to imply that every non-stormwater discharge must be assessed and authorized by permittees in advance, which is practically infeasible.
 - **Requested Action:** Please refrain from adding “emergency” firefighting activities into section 3.2.
 - **Requested Action:** Please consider removing section 3.3. Otherwise, please consider changing the language of section 3.3 to the following: “If a non-stormwater discharge or flow listed in section 3.2 is identified as a significant contributor of pollutants, the permittee must consider factors such as volume, temperature, suspended solids, pH, and concentration of any chemical additives in the discharge, such as chlorine/chloramine in potable water, prior to authorizing a non-stormwater discharge, to avoid causing an illicit discharge from the MS4.”
- Section 14.2
 - We support the change to specify mapping of permittee owned/operated stormwater structures.
- Section 16 – MCM 1
 - Written feedback on the previous iteration of the permit requested the state take a greater role in developing education and outreach material to meet these requirements. As-is, MS4s are often assembling and distributing their own outreach materials even though requirements are the same statewide. There have been efforts to address this through permittees banding together to share educational resources, but it could be more efficiently handled at the state level. The recent addition of the

MS4 Implementation Guide to the MN Stormwater Manual is a welcome step in this direction.

- Section 17.3
 - We support the clarification that methods other than public meetings can meet MCM 2 requirements.
- Section 18.8
 - The requirement to train ‘all field staff’ poses challenges for small communities that may not directly employ their own police/fire departments. It is difficult for these communities to impose training upon, e.g, the county sheriff’s department they contract with for law enforcement. As was noted in written feedback on the previous permit, this could potentially be more efficiently handled at the state level.
- Section 18.15
 - While strongly supportive of stronger PFAS regulation and source reduction, we have significant concerns about its implementation into the MS4 permit.
 - This section simply references the language of a state statute prohibiting PFAS-containing firefighting foam that is already law. Adding it to the MS4 permit therefore only creates confusion about where enforcement responsibility for the statute lies and who it applies to.
 - **Requested action:** We ask that the MPCA consider removing this section from the draft permit. If it is to remain, please clarify the expected water quality benefit from incorporating this provision into the MS4 permit.
- Section 20.2
 - We request that the MPCA fully align the stormwater management requirements in the MS4 and CSW general permits. Specifically, the following items still differ between permits:
 - Regulated threshold: The CSW permit requires treatment for projects adding 1 or more acres of impervious, the MS4 permit requires treatment for projects disturbing 1 acre of land.

- Water Quality Volume: The CSW permit calculates WQV as 1 inch times net increase in impervious, the MS4 permit calculates WQV as 1 inch times the sum of new and fully reconstructed impervious, or, for linear projects, the greater of 1 inch times new impervious or 0.5 inches times new and fully reconstructed impervious.
 - The current differences between permits often create confusion where requirements differ for projects subject to both the state CSW permit and stormwater management requirements imposed to satisfy the MS4 permit.
- Sections 21.13 – 21.15
 - While strongly supportive of stronger PFAS regulation and source reduction, we have significant concerns about its implementation into the MS4 permit.
 - Per Minn. Stat. 18B.03 Subd. 1 and 5, the Minnesota Department of Agriculture commissioner, not the MPCA, is the sole regulatory authority over pesticide application.
 - PFAS-containing pesticides are already scheduled to be banned – from state registration in 2026, and completely in 2032.
 - This permit language is redundant with already established regulation, which risks creating an additional documentation burden for negligible gain.
 - **Requested Action:** Please consider removal of these sections from the draft permit. If they are to remain, please confirm that this requirement does not conflict with state statute, and clarify the expected water quality benefit from this addition to the permit.
- Section 22
 - We support the increased clarity of TMDL and WLA reporting requirements in the MS4 permit.
- Section 22.9
 - **Requested Action:** Please reconsider the requirement to assign a “unique BMP ID number” to nonstructural practices. Assigning a unique ID number

to every instance of water quality sampling, street sweeping, pet waste bags, and waterfowl management seems to be an additional documentation requirement with minimal practical benefit.

- Section 23.4
 - **Requested Action:** Please clarify the language here – this section as-written seems to imply that a trading plan must be developed by all permittees. Is this a required part of the SWPPP, or to be developed on a case-by-case basis for individual trading projects? Section 23.7 d. suggests it could be either.
- Section 23.5 c.
 - **Requested Action:** Please clarify the language here - what is meant by 'point source pollutants'? The listed examples are all primarily from nonpoint sources.
- Section 27.9
 - **Requested Action:** Please provide a specific timeframe – with provisions to request an extension if needed – to submit required documentation in the event of such a request. What constitutes a 'reasonable' time frame is open to a wide range of interpretation.
- Section 28.18
 - The use of 'not parallel' as the determinant for whether a recreational trail is 'distinctly set apart' from a roadway is arbitrary, and excludes many trails for non-motorized use in urban areas, where often the only available space to create such facilities is parallel to a road.
 - **Requested Action:** We request that the MPCA consider an approach similar to that found in MCWD rules, which have a specific width of vegetated buffer (at least half the width of the sidewalk or trail on average), that allows sidewalk or trail projects of less than 1 acre new/reconstructed impervious to be exempted from certain stormwater management requirements.

- We recognize that this change matches the definition in the current CSW permit, but would strongly prefer revising the definition in both permits as described above.

MS4 GENERAL PERMIT (MNR040000)

Measured Verification Framework for TMDL-Credited Stormwater Ponds

Prepared by

Robert S. Belzer

EXECUTIVE SUMMARY

This document combines:

1. A formal public comment proposing measurable permit conditions under Clean Water Act §402(p); and
2. A phased implementation framework demonstrating how those conditions are operationalized using existing authority and infrastructure.

Scope

Applies only to:

- Stormwater ponds and structural BMPs currently credited toward TMDL Waste Load Allocations in MS4 Annual Reports.

Does NOT:

- Expand monitoring to all BMPs statewide
- Require new statutory authority
- Require new full-time staff in Year 1
- Create a new regulatory program

Objective

Replace assumed performance with measured verification for assets already being counted toward compliance.

PART I — INTEREST IN THE PERMIT

I submit this comment as:

- General Partner — Joe Belle Limited Partnership LLLP
- President — Certified Deli Masters, Inc.
- Minnesota Real Estate Investor Owner Operator Multifamily Housing (40 Years)
- Municipality Bond Investor (40 Years)
- MPCA Smart Salting Certified • MPCA Turf Management Certified
- Wayzata ISD 284 Legislative Action Committee (2019–2022) • MDE North Star/COMPASS Advocate
- Urban Ag Forum Planning Committee Member 2025-2026 Attendee all six (6) years.

The Case for Measured Verification

My professional life is defined by Fiduciary Oversight. Whether managing market-rate affordable housing under federal NSPIRE standards or advocating for the MDE North Star data-transparency system, I have consistently championed the move from Assumed Performance to Measured Results.

If a Permittee certifies a pollutant reduction in its MS4 Annual Report to satisfy a TMDL Waste Load Allocation, that certification must be an Evidentiary Fact, not a modeled guess. This proposal provides the MPCA with a phased, fiscally responsible roadmap to ensure that “Paper Compliance” is replaced by “Infrastructure Reality.”

The EPA MS4 Remand Rule requires permit conditions that are “Clear, Specific, and Measurable” (CSM). The conditions proposed below fulfill that standard. Current reliance on design assumptions and modeling for TMDL-credited ponds does not.

PART II — REQUESTED PERMIT CONDITIONS

1. Professional Oversight

The Permittee must ensure that any entity maintaining a TMDL-credited structural BMP operates under supervision of a Minnesota-licensed Professional Engineer or through direct municipal contract.

This regulates Permittee certification decisions, not HOA governance.

2. Non-Performing Asset Trigger

If required maintenance or sampling documentation is not provided within an annual reporting cycle, the Permittee must initiate corrective action within 18 months, including possible assumption of operational control under existing authority.

3. Quarterly Water Quality Monitoring

Minimum quarterly sampling for each TMDL-credited pond:

- pH
- Total Phosphorus
- Total Nitrogen
- Ammonia
- Dissolved Oxygen
- Total Suspended Solids
- Chloride
- Water Temperature
- Visual turbidity documentation
- PFAS screening where applicable

Sampling must be recorded in a parcel-indexed BMP Condition Record and referenced in the Annual Report.

Measured performance replaces assumed performance.

4. Photographic & Chemical Documentation

- Geotagged photographic record
- Chemical application documentation within 15 feet
- Weather conditions recorded at time of application
- Maintained consistent with Minn. Stat. Chapter 13

5. Unified BMP Condition Record

The Permittee must maintain a parcel-indexed digital file consolidating:

- Sampling data
- Photos
- Maintenance logs
- Engineering inspections
- Dredging schedules

This constitutes primary evidence of performance.

IMPLEMENTATION FRAMEWORK

Scope Limitation

Applies only to TMDL-credited ponds listed in MS4 Annual Reports.

Universal Applicability Across All 87 Counties

TMDL Waste Load Allocations vary by city, by impaired water body, and by pollutant of concern. Maple Grove's phosphorus WLA differs from St. Cloud's. Some cities carry a single TMDL; others carry multiple TMDLs across different pollutants and watersheds. This framework does not standardize the load. It standardizes the verification method.

The verification protocol is the constant. The specific WLA target is the variable each Permittee brings from its own approved TMDL Implementation Plan. The quarterly sampling suite (pH, TP, TN, NH₃, DO, TSS, Chloride) covers every common TMDL pollutant in Minnesota. Each Permittee measures its credited ponds against its own assigned WLA and reports actual performance in the MS4 Annual Report.

MAWN provides the environmental context regardless of the pollutant or the WLA target. When a pond spikes phosphorus after a 2-inch rain event, MAWN confirms the weather event. When a pond spikes under dry conditions, MAWN confirms maintenance failure. The same measurement backbone serves every MS4-permitted city in every county in the state.

This framework is designed for all 87 counties. The BMP Condition Record, the sampling protocol, the MAWN correlation, the photographic documentation, and the parcel-indexed reporting structure are identical whether the Permittee is in Hennepin County or Beltrami County. What changes is the WLA number each city is measuring against—and that number already exists in their approved TMDL Implementation Plan.

Phased Deployment

Phase 1 — Year 1

- TMDL-credited ponds only
- Integrated into existing MS4 reporting cycles
- No new FTE required

Phase 2 — Years 2–3

- Non-performing assets prioritized
- Risk-based inspection scheduling

Phase 3 — Permit Cycle Integration

- Predictive maintenance reduces reactive workload

MAWN INTEGRATION

The MDA Ag Weather Network (MAWN) provides:

- 5-minute precipitation
- Soil moisture at depth
- Freeze–thaw timing
- Wind and inversion alerts
- Runoff risk modeling

MAWN distinguishes:

- Weather-driven loading
- Maintenance failure
- Chemical drift impacts

Without MAWN → assumed performance

With MAWN → measured performance

RISK & FISCAL STABILITY

Measured verification:

- Reduces Clean Water Act certification risk
- Protects municipal bonding
- Protects school district tax base
- Stabilizes lifecycle funding
- Protects property values

This proposal replaces unpredictable capital spikes with predictable utility-based lifecycle planning under Minn. Stat. 444.075.

LEGAL AUTHORITY

- Clean Water Act §402(p)
- EPA MS4 Remand Rule
- Minn. R. 7090
- Minn. Stat. 444.075
- Minn. Stat. Chapter 13

No new legislation required.

CLOSING

Stormwater ponds credited toward TMDL compliance are regulatory assets.

The MS4 permit already governs them.

This proposal requires only that credited assets be:

- Professionally overseen
- Routinely monitored
- Documented
- Transparent

Measured verification instead of assumed performance.

Phased implementation instead of unfunded expansion.

Clear, Specific, and Measurable—as the EPA Remand Rule requires.

Respectfully submitted,

Robert S. Belzer

General Partner — Joe Belle Limited Partnership LLLP

President — Certified Deli Masters, Inc.

Minnesota Real Estate Investor Owner Operator Multifamily Housing (40 Years)

Municipality Bond Investor (40 Years)

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Wayzata ISD 284 Legislative Action Committee (2019–2022) • MDE North Star/COMPASS

Advocate

Urban Ag Forum Planning Committee Member 2025-2026 Attendee all six (6) years.

MS4 MEASURED VERIFICATION FRAMEWORK

Mass Balance Transfer Methodology

Companion Document — Editable Independently of Primary Submission

Document Relationship

Primary Submission: MS4 Public Comment — establishes the five permit conditions (the “what”)

This Document: Mass Balance Transfer Methodology — defines how pollutant reduction is verified (the “how”)

Governance: MPCA sets the verification requirement in the permit. Each Permittee applies it to their own approved TMDL Waste Load Allocation.

1. CORE PRINCIPLE

This framework does not standardize the pollutant load. It standardizes the verification method.

Every MS4-permitted city in Minnesota already has its Waste Load Allocation (WLA) assigned through an approved TMDL Implementation Plan. Those WLA numbers vary by city, by impaired water body, and by pollutant of concern. This methodology does not alter, override, or prescribe those numbers. It provides a universal protocol for proving whether the credited BMPs are actually achieving the reductions the city certifies in its MS4 Annual Report.

2. MASS BALANCE EQUATION

Verified pollutant reduction is calculated using a standard mass balance:

$$\text{Mass Loading (lbs)} = \text{Concentration (mg/L)} \times \text{Volume (gallons)} \times \text{Conversion Factor}$$

$$\text{Verified Reduction} = \text{Inflow Mass Loading} - \text{Outflow Mass Loading}$$

2.1 Concentration — From Quarterly Sampling

Each TMDL-credited pond is sampled quarterly at inflow and outflow points. The sampling suite measures concentration in mg/L for each parameter:

Parameter	Unit	TMDL Pollutant Addressed
Total Phosphorus (TP)	mg/L	Phosphorus TMDLs (lake, river, stream)
Total Nitrogen (TN)	mg/L	Nitrogen / Nutrient TMDLs
Ammonia (NH ₃)	mg/L	Nitrogen TMDLs, aquatic toxicity
Total Suspended Solids (TSS)	mg/L	Sediment / Turbidity TMDLs
Chloride	mg/L	Chloride TMDLs
Dissolved Oxygen (DO)	mg/L	Internal loading indicator (pond as source)
pH	Standard Units	Chemical stress indicator
Water Temperature	°C	Thermal loading TMDLs
Turbidity	NTU	Turbidity TMDLs, surrogate for TSS
PFAS (where applicable)	ng/L	Emerging contaminant screening

One sampling event at one pond produces verified concentration data for every pollutant that pond is credited toward. A city with a phosphorus TMDL and a chloride TMDL on the same water body gets both verified from the same quarterly sample.

2.2 Volume — From MAWN + SWPPP Data

Runoff volume into the pond is calculated using data the Permittee already possesses:

$$\text{Runoff Volume} = \text{Precipitation (in)} \times \text{Watershed Area (ac)} \times \text{Impervious \%} \times \text{Runoff Coefficient}$$

Data Element	Source	Already Available?
Precipitation	MAWN (MN Ag Weather Network)	Yes — statewide, expanding
Watershed Area	Permittee SWPPP / GIS mapping	Yes — required for MS4 application
Impervious Surface %	Permittee SWPPP / Land use data	Yes — required for stormwater calcs
Runoff Coefficient	MPCA Stormwater Manual / TR-55	Yes — standard engineering reference

MAWN provides hyperlocal, timestamped precipitation data. This eliminates the “it rained too much” defense. If a pond fails after a 1-inch event within design capacity, MAWN confirms maintenance failure. If a 4-inch event exceeds design capacity, MAWN confirms the weather event. Same data source, different conclusion.

2.3 Verified Reduction — Actual vs. Credited

The Permittee’s approved TMDL Implementation Plan assigns a specific WLA credit to each pond. The mass balance produces an actual reduction. The comparison:

Result	Meaning	Action Required
Actual ≥ Credited WLA	Pond performing as certified	Continue monitoring. Document in BMP Condition Record.
Actual < Credited WLA	Pond underperforming	Non-Performing Asset protocol. Corrective action within 18 months.
DO < 2.0 mg/L at sediment interface	Pond may be phosphorus source (internal loading)	Permittee must demonstrate internal loading is not negating credited WLA.
Pool volume loss > 25%	Sedimentation reduced treatment capacity	TMDL credits suspended until dredging completed.

3. MPCA GOVERNANCE — PERMIT REQUIREMENT, COUNTY APPLICATION

This methodology requires MPCA approval through the permit process. It becomes a requirement for the county only when the MPCA includes it as a permit condition. The governance structure:

1. **MPCA Sets the Requirement.** The General MS4 Permit includes measured verification as a permit condition for TMDL-credited BMPs. The MPCA defines the sampling suite, reporting format, and BMP Condition Record structure. This is a statewide standard.
2. **Each Permittee Applies Its Own WLA.** The city identifies which ponds are credited in its MS4 Annual Report toward specific TMDL Waste Load Allocations. Those WLA numbers come from the city's own approved TMDL Implementation Plan. The framework does not assign, modify, or override any WLA.
3. **County-Level Variation Is Built In.** Hennepin County cities may carry lake phosphorus TMDLs. Stearns County cities may carry river bacteria TMDLs. Beltrami County cities may carry dissolved oxygen TMDLs. The sampling suite covers all common pollutants. Each city measures against its own target. The protocol is identical; the target varies.
4. **MPCA Approves Applicability Based on the County.** If the MPCA determines that measured verification should apply to a specific category of BMPs, a specific TMDL watershed, or specific Permittees, the permit language defines that scope. The framework is the tool. The MPCA decides when, where, and for which counties it is required. This is handled based upon the county.

4. UNIVERSAL APPLICABILITY — ALL 87 COUNTIES

The following components are identical for every MS4-permitted city in every county:

Component	Standard	Varies By
Sampling Suite	Same 10 parameters statewide	Nothing — universal
Sampling Frequency	Quarterly	Nothing — universal
MAWN Integration	Precipitation correlation	Nearest MAWN station
BMP Condition Record	Parcel-indexed digital file	Parcel ID, WLA assignment
Photo Documentation	Geotagged, timestamped	Nothing — universal
Mass Balance Equation	Concentration × Volume = Mass	Nothing — universal
WLA Target	From Permittee's approved TMDL Plan	City, water body, pollutant
Annual Report Integration	Verified reduction vs. credited WLA	City's specific TMDL assignments

The verification protocol is the constant. The WLA target is the variable. The variable already exists in every city's approved TMDL Implementation Plan.

5. MAWN — THE ENVIRONMENTAL CONTEXT LAYER

MAWN does not care what the TMDL load is. MAWN tells you what the weather did.

Scenario	MAWN Shows	Conclusion
Pond spikes TP after 1" rain	1" event within design capacity	Maintenance failure — corrective action
Pond spikes TP after 4" rain	4" event exceeds design capacity	Weather event — no fault, documented
Pond spikes TP under dry conditions	No significant precipitation	Internal loading — DO profile required
Chloride elevated in February	Freeze-thaw, road salt period	Smart Salting compliance check

Without MAWN: assumed performance. With MAWN: measured performance.

6. DATA FLOW — FROM SAMPLE TO ANNUAL REPORT

5. **Quarterly Sampling.** Collect inflow/outflow samples at TMDL-credited ponds. Lab returns concentration (mg/L) for each parameter.
6. **MAWN Correlation.** Pull precipitation data from nearest MAWN station for the sampling period. Calculate runoff volume using watershed area and impervious surface percentage from SWPPP.
7. **Mass Balance Calculation.** Concentration × Volume = Mass Loading. Inflow mass minus outflow mass = actual pollutant reduction (lbs).
8. **BMP Condition Record.** All data recorded in parcel-indexed digital file: sample results, MAWN data, photos, chemical application records, calculated mass reduction, comparison to credited WLA.
9. **MS4 Annual Report.** Permittee reports verified reduction for each TMDL-credited pond. Actual performance replaces modeled assumption. Certification is now supported by evidence.
10. **MPCA Review.** MPCA receives Annual Reports with measured data. Non-performing assets are flagged. Corrective action timelines are enforced. The permit's CSM standard is met.

7. LEGAL AUTHORITY

No new legislation, programs, or FTEs required:

Authority	Application
Clean Water Act §402(p)	Federal authority for MS4 permit conditions requiring measurable pollutant reduction
EPA MS4 Remand Rule	Requires “Clear, Specific, and Measurable” (CSM) permit conditions
Minn. R. 7090	MPCA authority to establish MS4 permit conditions
Minn. Stat. 444.075	Municipal stormwater utility — treatment, maintenance, lifecycle funding
Minn. Stat. Ch. 13	Data Practices Act — parcel-indexed records are public, findable, accountable
GASB 34	Infrastructure assets require preservation-method reporting; unverified assumptions create hidden liabilities for bondholders

CLOSING

Measured verification instead of assumed performance.

Phased implementation instead of unfunded expansion.

Clear, Specific, and Measurable — as the EPA Remand Rule requires.

The verification protocol is the constant. The WLA target is the variable. This methodology is designed for all 87 counties.

Respectfully submitted,

Robert S. Belzer

General Partner — Joe Belle Limited Partnership LLLP

President — Certified Deli Masters, Inc.

Minnesota Real Estate Investor Owner Operator Multifamily Housing (40 Years)

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Advocate

Urban Ag Forum Planning Committee Member 2025-2026 Attendee all six (6) years.

Landgraf, Cole (MPCA)

From: Jane Byron <Jane.Byron@rosemountmn.gov>
Sent: Friday, February 13, 2026 11:08 AM
To: MN_MPCA_MS4permit
Subject: Early draft MS4 General Permit comment

You don't often get email from jane.byron@rosemountmn.gov. [Learn why this is important](#)

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Hello MPCA Stormwater Staff,

I'm writing on behalf of the City of Rosemount regarding the Pre-Public Notice Draft MS4 Permit. As an MS4 Permittee, the contents of the Permit directly affect city operations and the lives and wellbeing of those who live in, work in, and visit the City of Rosemount.

The City of Rosemount would like to provide the following comments on the Pre-Public Notice Draft MS4 Permit:

1. General comments:
 - a. The City of Rosemount supports the comments provided by the Minnesota Cities Stormwater Coalition (MCSC).
2. Section and subsection specific comments:
 - a. Subsection 3.2
Requested Action: Remove the word "emergency" from the section.
Reason: If non-emergency firefighting activities involve the use of clean potable water, water from adjacent waterbodies, or untreated groundwater, discharges should be allowed. The character of these discharges is not different from the others listed as authorized non-stormwater discharges.
 - b. Subsection 12.8
Requested Action: Remove newly added language regarding providing a reason for a change in TMDL compliance schedules in the SWPPP Document.
Reason: It should be apparent through annual reporting requirements whether a permittee is making good faith effort towards meeting dates proposed in compliance schedules. Previous reporting has also included opportunities to explain why projects were delayed, abandoned for better projects, etc. Including this requirement appears to be an extra unnecessary documentation requirement that could open the permittee up to litigation or enforcement.
 - c. Subsection 12.10
Requested Action: Add language similar to "or other method used for a State or Federal accepted report, plan, or study, such as the MS4 Non-Degradation Report required by 30 MS4 permittees under a previous version of this permit".
Reason: 30 communities expended great effort and resources towards completing the requirement to produce and submit Non-Degradation Reports to the MPCA. Methods used to produce the reports were discussed with and okayed by Agency Staff. If those reports concluded that areas within a community were meeting WLAs or TMDL loading rates for TP and/or TSS, then they should still be meeting that standard going into the future since MS4 Post-Construction Stormwater Management Standards are written by The Agency to meet anti-

degradation standards. In other words, if non-deg reports show loading rates and anti-degradation was met/achieved at the time, they are being met now, and no further proof or modeling effort is needed. The Agency already has access to the information it needs for verification for those 30 communities. It should be stated explicitly in the Permit to reduce administrative burden on the permittee.

d. Subsection 16.5

Requested Action: Remove item c.

Reason: Popular educational materials and programs in the state that focus on deicing salt reductions either skip or are very light on the aspect of proper storage. This means that communities that may have smaller staff and less resources are left to create something on their own, rather than share time-tested professionally produced media. The MPCA's own de-icing salt reduction website articles and social posts for the general public put out this winter as of early February do not even appear to feature information that covers proper storage.

e. Subsection 16.6

Requested Action: Remove item c.

Reason: Popular educational materials and programs in the state that focus on pet waste management are generally unable to feature local regulatory information. This means that communities that may have smaller staff and less resources are left to create something on their own, rather than share time-tested professionally produced media.

f. Subsection 18.15

Requested Action: Remove subsection.

Reason: As listed in the subsection language, PFAS containing firefighting foams are already prohibited and regulated by state statute overseen by other state agencies.

g. Subsection 19.8b

Requested Action: Please edit language similar to as follows "the name(s) of individual(s), position title(s), or entities responsible for investigating complaints."

Reason: Many MS4s contract out with consultants or other organizations to conduct these investigations. Individuals and position titles at these organizations can be subject to frequent change. Allowing for listing of the organization will reduce the paperwork burden on the MS4 while still meeting the spirit of the requirement.

h. Section 20

Requested Action: Provide language that makes it clear that new/additional water quality treatment volume need not be constructed if a project is located in an area that is already meeting or exceeding the MS4 Permit water quality treatment volume.

Reason: The City of Rosemount has had a treatment volume and threshold for requiring installation of water quality treatment that exceeds that in the CSW and MS4 Permits for over 20 years. Expanded impervious in the areas of the city that have been developed over the last 20 years will already meet the MS4 water quality treatment volume of 1" over impervious surface cover without needing to add additional treatment. Explicitly stating that additional treatment is not needed in such cases, would provide clarity. While our situation is not necessarily common, it is also not unique.

i. Subsections 20.5, 20.6, 20.7, 20.9, 22.4, 22.5, 28.12, 28.19, 28.45

Requested Action: Remove the term "fully reconstructed impervious surface" and the requirement that fully reconstructed surfaces be included in the water quality volume calculation.

Reason: Some areas where impervious surface reconstruction may be occurring already have treatment volumes that meet or exceed 1" over the existing impervious surface. Other areas may have studies or monitoring that show water quality and anti-degradation standards are being met. And still other studies, such as TMDL implementation plans and subwatershed assessments, may show that specific areas needing additional treatment are not located in a given reconstruction project's drainage area. Requiring treatment

regardless of circumstance leads to unnecessary increased costs and/or wasted taxpayer money. Additionally, isolated MS4s and MS4s located at the fringes of Urban Areas are put at a disadvantage with regards to attracting re/development when post-construction treatment requirements are more than that listed in the General CSW NPDES Permit. Developers can move to the next unregulated jurisdiction over where stormwater treatment systems are allowed to be smaller and less expensive.

j. Subsections 21.13, 21.14, and 21.15

Requested Action: Remove subsections.

Reason: We think it would be extremely difficult to provide the information requested by the Agency in a meaningful way. The city is only required to record pesticide use with regards to what is required per pesticide applicator licensure. We will only have records for two years of information if the product was a restricted use pesticide. If the product is not a restricted use pesticide, we will not have the information requested. It is best to request this information through the pesticide applicator licensure program to get a meaningful picture where PFAS containing pesticides are being applied.

k. Sections 22 and 23

Requested Action: Please be sure to develop reporting and trading programs that allow MS4s to take credit for all the work they do to improve water quality in impaired waterbodies.

Reason: MS4s expend lots of resources installing projects and providing programs that improve water quality in water resources. In the past, permittees have had difficulty getting recognition for work occurring outside of their piped stormwater network, internal to the water resource of concern, outside of their political boundaries, and in coordination with private developers. While we understand that there is concern about double and over counting of pollution reductions, a means should be provided to account for all this work. Allowing communities to take credit for all the work they've contributed can help improve efficiencies by allowing work to be chosen based on where there may be more benefit, space, cheaper costs, etc. These sections still have language that appears to discourage partnership with private partners and have yet to address projects occurring outside of political boundaries but in the drainage of concern.

l. Subsection 23.3

Requested Action: Remove language "Credits may not be generated from activities required by law." and replace with language that indicates that credits may be used if the project shows an improvement from existing conditions.

Reason: There could be instances where a certain level of treatment is required by regulation and is also a reduction from previous conditions. Bottomline, if a reduction is achieved, an MS4 should be able to take credit for it regardless of whether regulation requires the activity or not.

m. Subsection 23.5

Requested Action: Evaluate whether nitrate is appropriate to include in the list in item c.

Reason: Nitrate appears to be removed from all other TMDL subsections in the draft permit, so we were wondering if its inclusion in this area was an oversight.

n. Subsection 23.9

Requested Action: Please increase notification time for reporting discovery of nonfunctioning BMPs to within 10 business days.

Reason: 10 business days allows for compliance and time to develop answers to items a-d, while providing allowances for events like weekends, holidays, and staff vacations.

o. Subsection 23.10

Requested Action: Adjust inspection frequency to match other inspection frequencies listed in this permit.

Reason: Adjusting frequencies to match where elsewhere listed in the permit (e.g., once per permit term for ponds, etc.) will reduce confusion and likelihood of accidental noncompliance.

p. Section 28.1

Requested Action: Include a definition of “pesticide” if retaining some version of subsections 21.13-21.15.

Reason: While we still believe subsections 21.13-21.15 should be removed as detailed elsewhere in these comments, a definition for “pesticide” is needed if the MPCA still insists on referring to pesticides in this permit. Many people use the term insecticide and pesticide interchangeably, whereas others consider insecticides to merely be a subcategory of pesticides.

q. Section 28.17

Requested Action: Please remove the word “emergency” from the illicit discharge definition.

Reason: See comment 2a above.

Thank you for this opportunity to provide comments on the Pre-Public Notice Draft MS4 Permit. Feel free to contact me if you have questions or would like to discuss the comments further.

Jane Byron
Stormwater Specialist

(she/her)

City of Rosemount

Direct: 651-322-2075

Main: 651-322-2022

rosemountmn.gov



Landgraf, Cole (MPCA)

From: Jesse Carlson <JCarlson@SavageMN.gov>
Sent: Friday, February 13, 2026 4:24 PM
To: MN_MPCA_MS4permit
Subject: Early Draft MS4 General Permit Comments
Attachments: MCSC Comments - PrePublic Notice MS4 Permit 20260213.pdf

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Dear MS4 Program Staff:

The City of Savage is an MS4 permittee and is an active member of the Minnesota Cities Stormwater Coalition. The city has reviewed the attached comments as provided by the MCSC and is in support of these comments.

The city requests the following action be considered:

1. Review the comments as provided by the MCSC and consider them as the permit language is finalized.
2. The city is of the position that these comments help provide a permit that is supported by MS4 communities and will help cities continue to be a positive partner with the MPCA in program compliance, etc.

Thank you for your consideration,

Jesse Carlson



Jesse Carlson

Water Resources Manager

6000 McColl Drive, Savage, MN 55378

Direct: 952-882-2686 | Cell: 612-518-8785 | savagemn.gov



February 13, 2026

Cole Landgraf
Minnesota Pollution Control Agency
520 Lafayette Road N
St Paul, MN 55155

RE: Early draft MS4 General Permit Comments

Dear Mr. Landgraf,

Thank you very much for the opportunity to provide comments on the proposed changes to the MS4 permit through the Early Draft MS4 General Permit review. The city of Shakopee has interest in the permit because it is a regulated MS4.

Please accept the following comments.

1. Comment: The City of Shakopee is in support of the comments provided by the Minnesota Cities Stormwater Coalition (MCSC) in the attached memo "MCSC Pre-Public Notice Draft MS4 General Permit Comments" dated February 13, 2026.
 - a. Reason: The City of Shakopee is a regulated MS4 and shares the same concerns and comments as outlined in the MCSC comment letter.

Sincerely,

Kirby Templin, P.E.
Water Resources-Environmental Manager

Enclosure: MCSC Pre-Public Notice Draft MS4 General Permit Comments Dated February 13, 2026

Landgraf, Cole (MPCA)

From: Stacy Boone (TO) <Stacy.Boone@shakopeedakota.org>
Sent: Tuesday, February 10, 2026 10:27 AM
To: MN_MPCA_MS4permit
Subject: Early draft MS4 General Permit comment

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Early draft MS4 General Permit Comment

Stacy Boone, Environmental Compliance Specialist, Shakopee Mdewakanton Sioux Community, stacy.boone@shakopeedakota.org

The Minnesota River (Mnisota Wakpa) valley has been the homeland of the Dakota peoples for thousands of years, including generations of Mdewakanton Dakota communities within what are now the boundaries of many regulated MS4 entities in the Twin Cities metropolitan area. These lands, waters, and resources remain integral to the history, culture, and sovereignty of the Shakopee Mdewakanton Sioux Community (SMSC).

Although SMSC is regulated as an MS4 entity by the U.S. EPA, it also owns land that is adjacent to, or falls within, the coverage area of multiple state-regulated MS4s, including: City of Prior Lake, City of Shakopee, Jackson Township, Louisville Township, MnDOT Metro District, Prior Lake–Spring Lake Watershed District, Scott County, and Spring Lake Township. Additionally, SMSC stormwater infrastructure is directly connected to the MS4 systems of Prior Lake and Shakopee. Stormwater management activities by these MS4 entities directly affect SMSC lands and waters. Despite this proximity and interconnection, SMSC staff have not been notified of MS4 annual meetings or invited to review or comment on neighboring MS4 stormwater pollution prevention plans (SWPPPs), unless it's been actively sought out by SMSC staff.

Accordingly, SMSC requests that the MPCA include language in Permit Section 17 requiring annual coordination between permittees and adjacent tribal entities. Formalizing this outreach between permittees and tribes would strengthen collaboration on stormwater management efforts affecting shared waters and help ensure that priority concerns are addressed collectively.

This requirement would also provide tribes an opportunity to review and comment on the adequacy of permittee SWPPPs, consistent with public participation opportunities, particularly where activities may affect tribal areas under state jurisdiction, including tribally owned fee lands and areas subject to treaty-reserved rights. The MPCA could incorporate this language into Permit Term 17.3 to align it with the permittee's annual public review process, adding minimal additional outreach burden. MPCA Tribal Affairs staff already maintain a list of tribal contacts and tribal counties of interest, which could be used to help facilitate coordination between permittees and appropriate tribal staff.

SMSC appreciates the MPCA's commitment to incorporating tribal perspectives in its efforts to preserve, protect, and enhance Minnesota's water resources and looks forward to continued collaboration on the MS4 General Permit and future initiatives.



STACY BOONE

Environmental Compliance Specialist • Natural Resources
Shakopee Mdewakanton Sioux Community
d: 952.233.4267
SMSCLand.org
Stacy.Boone@shakopeedakota.org

The Shakopee Mdewakanton Sioux Community is a federally recognized, sovereign Indian tribe located southwest of Minneapolis/St. Paul. With a focus on being a good neighbor, good steward of the earth, and good employer, the SMSC is committed to charitable donations, community partnerships, a healthy environment, and a strong economy.

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February 13, 2026

Cole Landgraf
MS4 Permit Writer
Minnesota Pollution Control Agency

Washington County Comments on 2026 MS4 General Permit

Washington County Department of Public Works appreciates the opportunity to review the 2026 MS4 General Permit. We commend the Minnesota Pollution Control Agency's efforts to ensure clear, specific, and measurable requirements.

Washington County has identified several areas in need of revision, listed in the comments below.

TMDL and Pollutant Load Reduction (Section 22)

Meeting TMDL allocations for impaired waters will require advanced modeling and retrofits of existing highway stormwater systems. Section 22 introduces numerous reporting requirements intended to verify BMPs addressing WLAs.

Requested Revisions

- MS4s need clarity on:
 - Whether reporting applies retroactively.
 - What documentation is expected.

Increased Design and Right-of-Way Requirements (Section 28.18)

The draft expands stormwater treatment obligations for reconstruction projects within MS4 boundaries, including treatment of existing impervious surfaces. Meeting these standards will require additional space for BMPs (such as infiltration basins, filtration systems, and underground storage). In constrained corridors, this could necessitate costly land acquisition or design compromises affecting safety and mobility.

Requested Revisions

- Define “distinctly set apart”—specify required separation distance and applicability to linear facilities.
- Clarify which trails are considered non-impervious (e.g., natural surface versus paved/shared-use paths).
- Address uncertainty for sidewalks and trails previously considered disconnected.

Active Karst Features (Sections 20.9 and 28.2)

The current draft creates ambiguity regarding active karst features and terrain. Section 28.2 defines active karst as terrain, while Section 20.9 applies restrictions to individual features, leaving MS4s without a clear definition to guide compliance or setback requirements. Minnesota Stormwater Manual provides background on karst geology but does not establish thresholds for when detailed engineering reviews are required, leading to costly and unpredictable evaluations. Karst sensitivity varies across Minnesota, and broad references to “active karst terrain” risk over- or under-regulating stormwater practices. Differentiating between features and terrain would improve groundwater protection without unnecessary burden.

Requested Revisions

- Incorporate a precise definition of *active karst features* in Section 28.2 that differentiates individual features (such as sinkholes, caves, losing streams, and springs) from general *active karst terrain*.
- Revise Section 20.9 to specify whether infiltration prohibitions apply to individual features, terrain, or both—and under what conditions.
 - When infiltration is prohibited, consider adopting a uniform 1,000-foot buffer around known karst features, as “up-gradient” and “down-gradient” are difficult to define and apply consistently.
- Provide clear criteria or thresholds for MS4s to determine:
 - When a higher-level engineering review is required.
 - When infiltration is not permissible.
- Align the MS4 General Permit and the Construction Stormwater Permit to ensure that terminology, prohibitions, and conditions related to karst are consistent and unambiguous.

- Include enhanced resources such as flowcharts, maps, and reference materials illustrating:
 - Acceptable investigation methods.
 - Reliable data sources.
 - Cost-effective approaches for assessing karst sensitivity.
- If necessary, convene a workgroup to research, develop, and engage stakeholders in refining guidance and regulatory expectations related to infiltration in active karst regions.

Integration with Existing Permits

Several draft MS4 provisions differ from NPDES Construction Stormwater permit requirements, creating confusion and duplication, making consistency between the two permits critical. Similar requirements currently use inconsistent terms and criteria, underscoring the need for alignment to ensure clarity and avoid contradictory expectations.

Example

- Section 28.9 changes “disturb” to “expose,” introducing inconsistencies with the CSW permit. MPCA indicated CSW will eventually adopt “expose,” but until then, this discrepancy will cause confusion.

Section-Specific Comments

- Sections 3.2 & 28.16: MS4s have limited authority over firefighting response teams; requirements should be addressed through statewide firefighting training.
- Section 3.3: Proposed language may create significant additional work for MS4s regarding non-stormwater discharges; consider directing inquiries through MPCA’s permitting process.
- Section 18.15: Communication requirements related to firefighting should be directed to fire departments, with explicit exemptions for counties lacking zoning authority.
- Sections 21.13–21.15 (PFAS): Clarify that PFAS provisions require a one-time inventory within 12 months of permit issuance and simplify by using trade name lists.
- Section 22.5: Define redevelopment, voluntary, enhancement, and reconstruction.
- Section 28.9: Explain rationale for changing “disturb” to “expose.”

- Section 28.18: Clarify impervious surface definitions and implications for trail projects.

Recommendations

- Phased Implementation: Allow sufficient time to incorporate new requirements into long-range plans, capital programs, and budgets.
- Technical Guidance: Provide technical guidance with clear design standards and examples tailored to linear transportation projects.
- Funding Support: Establish funding support through grants or cost-share programs for BMP retrofits, land acquisition, and specialized maintenance.
- Permit Coordination: Clarify interactions between MS4 and NPDES Construction Stormwater permits to streamline compliance.
- Maintenance Resources: Offer maintenance resources, including training, asset management tools, and performance metrics for BMP upkeep.
- Exemptions: Explicitly exempt counties without zoning authority from Section 18.15 requirements.

Thank you again for the opportunity to comment.

Sincerely,

Toni Ajala
Engineer I
Washington County Public Works
Oluwatoni.Ajala@washingtoncountymn.gov
651-430-4315

Cc:

Kevin Peterson, Design Engineer
Cory Slagle, Assistant County Engineer
Frank Ticknor, Deputy Director



Public Works Department
333 6th St SW
Willmar, MN 56201
320-235-4252

February 12, 2026

Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, MN 55155

RE: Comments on the Draft MS4 General Permit for Small Sites

To the MPCA MS4 Permit Team,

On behalf of the City of Willmar, I submit the following comments and requested revisions regarding the draft MS4 General Permit. My goal is to ensure the permit remains a practical, effective tool for water quality management while avoiding redundant or misplaced regulatory burdens.

1. Table of Contents

- **Requested Action:** Include a Table of Contents in the final permit version.
- **Reason:** A Table of Contents is essential for efficient navigation and improves the usability of the document for permittees and the public.

2. Non-Stormwater Discharge (Items 3.2 & 3.3)

- **Requested Action:** Incorporate the language of Item 3.3 into Item 3.2. If maintained as separate sections, revise Item 4.2a to include a cross-reference to Item 3.3.
- **Reason:** Consolidating these items clarifies that Item 3.3 defines the specific evaluation criteria required for the discharges outlined in 3.2. This prevents confusion regarding whether 3.3 stands alone or acts as a subset of the 3.2 requirements.

3. Public Input on SWPPP (Item 17.3)

- **Requested Action:** Revise the first sentence to read: *“Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on operations and management of the MS4.”*
- **Reason:** Most residents are interested in high-level MS4 functions rather than the technical SWPPP document itself. Broadening the language allows cities to use more effective engagement channels, such as citizen panels, volunteer events, or staff-led presentations, to facilitate meaningful dialogue on MS4 management.

4. Fire and Police Staff Training (Item 18.8)

- **Requested Action:** Remove the requirement for fire and police staff to receive illicit discharge recognition training; require only training on local reporting procedures.
- **Reason:** Municipalities often lack direct control over the curriculum for state-regulated police and fire personnel. IDDE recognition training is more effectively implemented at the state level via the agencies that govern emergency responder certification. This ensures consistent statewide awareness. Local MS4 training should remain focused on who to contact when a potential discharge is observed.

5. Illicit Discharge Inspection (Item 18.11)

- **Requested Action:** Retain the original permit language and remove the proposed changes.
- **Reason:** Permittees need the flexibility to determine the frequency of inspections in priority areas based on local conditions and risk assessments. If a specific timeframe is required, "once per permit term" is a more appropriate and manageable standard.

6. PFAS – Firefighting Foam (Item 18.15)

- **Requested Action:** Remove this item.
- **Reason:** This section is redundant. Minnesota Statute 325F.072 already prohibits the use of PFAS-containing firefighting foams. This statutory prohibition should not be tied to the MS4 permit. Any further regulatory amplification should be directed at firefighting efforts statewide rather than through municipal storm sewer permits.

7. PFAS – Pesticides (Items 21.13–21.15)

- **Requested Action:** Remove these items.
- **Reason:** Pesticide application is regulated by the MN Department of Agriculture (MDA). Cities have no jurisdiction over licensed applicators, and the MDA is already the appropriate lead agency for regulating PFAS in pesticides. If the MPCA wishes to address this before MDA enforcement, it should be done through a statewide education program for applicators and their clients, not via MS4 permittees.

8. TMDL – Waste Load Allocation (Section 22)

- **Requested Action:** Ensure Section 22 includes all reporting requirements and focuses strictly on information necessary for WLA tracking.
- **Reason:** While we welcome the clarity of moving WLA tracking from guidance documents into the permit, the process must be targeted. Many cities manage hundreds of BMPs

across dozens of WLAs; reporting must be streamlined to avoid an undue administrative burden while still confirming progress.

9. Water Quality Trading – Cooperative Projects (Section 23)

- **Requested Action:** Incorporate a trading option that allows MS4s to share credits for cooperative projects that treat stormwater from multiple jurisdictions.
- **Reason:** Currently, projects reducing pollutants at an outfall are ineligible for trade unless the MS4 is already below its WLA. However, water does not follow municipal boundaries. Stormwater treatment is often most effective when managed through downstream, multi-agency cooperative BMPs. The permit should incentivize these efficient, multi-jurisdictional efforts.

10. Water Quality Trading – Redundant Reporting (Items 23.9 & 23.10)

- **Requested Action:** Remove Items 23.9 and 23.10.
- **Reason:** These requirements are redundant. Item 23.7 already requires procedures for BMP maintenance, and Item 23.8 requires the trade plan to be part of the SWPPP. The proposed language in 23.9 and 23.10 limits flexibility and creates unnecessary reporting. The existing 90-day MPCA review period for trade plans is sufficient to address any specific maintenance or reporting needs.

11. Water Quality Trading – Definitions (Section 28)

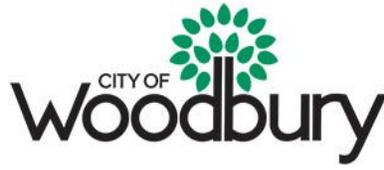
- **Requested Action:** Include a formal definition of "Water Quality Trading."
- **Reason:** As a new addition to the MS4 permit, a clear definition is required to establish the intended scope, use, and applicability of the program for all stakeholders.

Thank you for your consideration of these comments. I look forward to working with the MPCA to finalize a permit that protects Minnesota's water resources through practical and efficient municipal management.

Sincerely,



Sara Sietsema
Environmental Specialist
City of Willmar



**8301 Valley Creek Road • Woodbury, MN 55125-3330 • woodburymn.gov
651-714-3500 • FAX 651-714-3501**

February 13, 2026

Cole Landgraf
Permit Writer
Minnesota Pollution Control Agency
ms4permit.pca@state.mn.us

Re: Pre-Public Notice Draft MS4 General Permit Comments

Dear Mr. Landgraf:

Thank you for providing opportunity for feedback and considering the City of Woodbury's comments. The City of Woodbury understands and supports the need to prevent stormwater pollution and protect Minnesota's water resources. We recognize the importance of maintaining an effective and practical Municipal Separate Storm Sewer System (MS4) Permit program that achieves water quality goals while remaining effective for local communities.

The City of Woodbury is a member of Minnesota Cities Stormwater Collation (MCSC) and assisted in providing the comments submitted collectively. We generally support the comments provided by MSCS and appreciate the collaborative effort to address the implications of the proposed permit changes for MS4 communities.

In addition, City of Woodbury staff have reviewed the draft changes to the MS4 Permit and provide the following additional comments that are more specific to the issues facing Woodbury and our local perspectives.

Public Input on SWPPP – item 17.3

Requested Action: Revise first sentence of item 17.3 to state “Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on operations and management of the MS4”.

Reason: The City posts our Stormwater Pollution Prevention Program (SWPPP) on our public website where residents can review and provide comments at any time. However, experience shows that most residents are less interested in reviewing lengthy technical documents and more engaged when information is presented in an accessible, high-level format. To foster meaningful participation, the City has and will continue to provide at least one opportunity for the public to offer input on the operations and management of the MS4 through interactive channels such as presentations to resident commissions and at community events. These forums allow staff to highlight key elements of the MS4 permit—such as water quality initiatives, infrastructure improvements, and opportunities for resident involvement—while encouraging dialogue and documenting feedback. This approach meets the intent of public participation by creating a more inclusive and effective process for engaging residents in stormwater management.

Active Karst—items 20.9 & 28.2

1. Requested Action: Add a definition of “active karst features” to Section 28.2 that distinguishes individual features (e.g., sinkholes, caves, losing streams, springs) from general “active karst terrain.”

Reason: The permit currently uses the term “active karst” inconsistently—defining it as terrain in Section 28.2 while applying restrictions to individual features in Section 20.9—without providing a definition of “active karst features.” This lack of clear, consistent terminology creates regulatory uncertainty and makes it difficult for MS4 permittees to determine compliance, particularly in areas where large portions of the MS4 are mapped as karst terrain. Given the wide variability in karst sensitivity across Minnesota, distinguishing between specific features and broader terrain is essential to ensure groundwater protection while avoiding over- or under-regulation.

2. Requested Action: Revise Section 20.9 to clarify whether infiltration prohibitions apply only to defined features, to terrain, or to both—and under what circumstances. When infiltration is prohibited, please consider a uniform 1,000-foot buffer around known karst features, as “up-gradient” and “down-gradient” are difficult to define and apply consistently.

Reason: Section 20.9 does not clearly specify whether infiltration prohibitions apply to individual karst features, to active karst terrain, or to both, resulting in inconsistent interpretation and implementation by MS4s. The current reliance on “up-gradient” and “down-gradient” determinations is difficult to apply consistently without site-specific hydrogeologic analysis, adding uncertainty and cost. Clear applicability criteria—such as a defined buffer distance around known karst features—would provide predictable, implementable standards that better reflect variable karst conditions, protect groundwater resources, and allow infiltration where it can be safely and effectively used.

3. Requested Action: Align the MS4 General Permit and the Construction Stormwater Permit so that terms, prohibitions, and conditions related to karst are consistent.

Reason: Consistency between the MS4 and Construction Stormwater Permits is critical and is, in general, achieved throughout both permits. While both permits include karst-related restrictions on infiltration near active karst features, the Construction Stormwater Permit also includes an explicit requirement to line stormwater basins/ponds in active karst terrain that is not currently mirrored in the draft MS4 Permit.

PFAS – items 21.13-21.15

Requested Action: Remove these items.

Reason: The City of Woodbury has made PFAS reduction and management a central focus for many years, due to the East Metro being one of the most significant PFAS contamination hotspots in Minnesota. Our community has faced widespread PFAS impacts to our groundwater resource. In response, Woodbury has invested heavily in long-term solutions, including the design and

City of Woodbury Pre-Public Notice Draft MS4 General Permit Comment Letter
February 13, 2026
Page 2 of 2

construction of a state-of-the-art water treatment facility to remove PFAS from municipal water supplies. This commitment underscores our dedication to protecting surface water, groundwater, and public health.

The City supports initiatives at the state-level aimed at eliminating PFAS from all products at their source and believes these efforts will be most successful when regulatory authority remains with state agencies that have the expertise and enforcement capacity to manage them effectively.

Specifically, for PFAS in pesticides, the Minnesota Department of Agriculture (MDA) licenses pesticide applicators and has established procedures for oversight, making it the most appropriate agency to regulate PFAS in pesticides. Applying these regulations through MDA would have a far greater statewide impact, ensuring consistency across all of Minnesota rather than limiting PFAS-containing pesticide reduction to MS4 permit holders. PFAS contamination is a statewide issue, not limited to MS4 communities, and addressing it through MDA leverages existing systems and expertise, avoids duplicative requirements, and ensures that PFAS reduction efforts are comprehensive and effective.

Total Maximum Daily Loads (TMDLs)-items 22.3 and 22.4d

1. Request Action: Require MS4 Communities to submit TMDL reporting once per permit cycle, not annually.

Reason: Annual TMDL reporting required by Section 22.3 places a significant burden on municipalities in terms of time, resources, and cost. Woodbury, like many other communities, relies on external consultants to prepare and submit these reports due to their complexity and the time required to complete them. These yearly consultant expenses are substantial and divert funds that could otherwise be invested in tangible water quality improvements.

Reducing the reporting frequency to once per permit cycle would still ensure compliance and accountability while allowing cities to allocate resources more effectively toward actions that directly improve water quality. This approach maintains transparency and regulatory oversight without imposing unnecessary administrative costs that do not yield measurable environmental benefits.

2. Request: TMDL reporting include additional practices that MS4 communities already implement but do not currently report because they lack clear and straightforward quantification methods.

Reason: The City of Woodbury annually performs or supports efforts regarding native vegetation restoration on degraded land, establishing native vegetation of upland areas in new developments, and in-lake herbicide treatments for invasive species such as Curly-leaf Pondweed and Eurasian watermilfoil. These activities provide measurable water quality benefits but are excluded from reporting because they do not seamlessly fit within existing frameworks as do structural stormwater BMPs or other nonstructural BMPs. Expanding

City of Woodbury Pre-Public Notice Draft MS4 General Permit Comment Letter
February 13, 2026
Page 2 of 2

acceptable practices and creating simplified reporting methods would better reflect the full scope of municipal efforts to improve water quality.

Under the proposed language in Section 22.4c, BMPs installed as part of new impervious surface development would no longer count toward TMDL reductions. For a growing community like Woodbury, this limitation makes achieving TMDL requirements significantly more difficult. Expanding reporting flexibility to include practices that currently go unreported would help ensure that all water quality improvements—both structural and nonstructural—are fully recognized

The MPCA has successfully taken a similar approach in recent years by quantifying the benefits of street sweeping and creating a simple reporting system for street sweeping, which was an excellent step forward and has produced measurable improvements in water quality across MS4 communities. In Woodbury, this change led us to increase sweeping frequency from twice per year to monthly through spring and summer and three times in the late fall. This results in significant pollutant load reductions. Applying a similar approach to other beneficial practices would incentivize municipalities to expand these efforts and achieve greater water quality improvements statewide, while targeting our TMDL Waste Load Allocations.

WQ Trading –Section 23

Request: Simplify and clarify Section 23 language and provide additional guidance.

Reason: The water quality trading provision is challenging to implement as currently written. While we will continue partnering with MS4 and non-MS4 organizations to improve water quality, the time and effort required to develop a trading plan outweigh the benefits of reporting on improvements. Clearer language and reduced reporting and documentation requirements would make participation more feasible and reduce uncertainty.

We appreciate the time, effort, and consideration given to the comments submitted by the City of Woodbury. We value the opportunity to participate in this process and to share our local perspective. Woodbury remains committed to protecting Minnesota's water resources and to working collaboratively with state agencies and regional partners to implement stormwater programs that are both environmentally responsible and practically achievable. Thank you for your dedication to developing a permit framework that supports strong water quality outcomes while recognizing the operational realities faced by MS4 communities. We look forward to continued partnership as the permit is finalized and implemented.

Respectfully submitted,

Ben Guell
Environmental Resources Specialist
City of Woodbury



Young Environmental
Consulting Group, LLC

February 13, 2026

Minnesota Pollution Control Agency
Municipal Stormwater Program
520 Lafayette Road
St. Paul, MN 55155

Re: Early Draft Comments on Proposed Municipal Separate Storm Sewer System General Permit

Dear Municipal Stormwater Program Staff:

I am submitting comments on the early draft Municipal Separate Storm Sewer System (MS4) General Permit to assist with developing the permit ahead of its formal public notice in spring 2026. These comments are being provided before the February 13, 2026, deadline for consideration in the ongoing revision process.

My Interest in the Permit

I am submitting these comments in my role as a consultant supporting multiple Minnesota MS4 permittees in implementation of the National Pollutant Discharge Elimination System (NPDES) stormwater program. My firm works directly with cities, counties, and other regulated entities on water quality–limited watershed load allocation (WLA) tracking, illicit discharge detection and elimination (IDDE) programs, postconstruction stormwater management, winter maintenance documentation, enforcement response procedures, and permit-required staff training.

I am not submitting these comments on any single permittee’s behalf. Rather, my interest is in ensuring that the final permit is environmentally effective, legally defensible, and realistically implementable across the range of Minnesota MS4 communities, including those with limited staffing and technical capacity.

Because I work at the implementation level, developing inspection templates, preparing WLA progress reports, responding to audit findings, and training staff, I see firsthand how permit language translates into operational workload. The comments below identify specific provisions I believe should be modified, the actions I am requesting the Minnesota Pollution Control Agency (MPCA) to take, and the reasons for supporting those positions.

1. Structural Shift Toward Documentation-Based Compliance

Permit References: Sections 18.14–18.18; 19.10–19.14; 22.3–22.6

Action Requested

Modify these sections to reduce prescriptive documentation requirements and retain 2020 permit-level flexibility unless federal law specifically requires additional specificity.

Reason Supporting Position

Sections 18.14–18.18 expand documentation requirements for enforcement under the IDDE program. Sections 19.10–19.14 increase construction inspection documentation specificity. Sections 22.3–22.6 significantly expand WLA accounting documentation, including

structural best management practice (BMPs) categorization, unique identifier assignment, modeling input documentation, and ownership tracking.

For example, Section 22.3 requires categorizing each structural BMP as redevelopment, enhancement, voluntary, or other, along with maintaining modeling input documentation. Section 22.4 requires assigning BMP identifiers and tracking maintenance responsibility.

In practice, these requirements compel municipalities to build pollutant accounting registries and maintain detailed modeling records for each BMP. Many smaller MS4 permittees do not have geographic information system staff or in-house modeling software. The added categorization does not inherently increase pollutant removal; rather, it increases administrative tracking.

Similarly, Section 18.14 requires documenting enforcement timelines and conducting follow-up actions in a manner resembling regulatory case management systems.

Suggested modification to Section 22.3: Replace categorical and modeling input documentation requirements with language requiring documentation of BMP implementation and reporting of progress toward WLA benchmarks.

Suggested modification to Section 18.14—Replace prescriptive case-tracking language with the following:

“The permittee must maintain documentation sufficient to demonstrate that enforcement response procedures were implemented consistent with this section.”

Unless required under the Clean Water Act or federal NPDES regulations, the 2020 permit language better balanced accountability with practical implementation.

2. Enforcement Response Procedures

Permit References: Sections 18.14; 19.12; 20.20

Action Requested

Revise prescriptive enforcement documentation language to allow flexibility while preserving accountability.

Reason Supporting Position

Section 19.12 requires documenting construction inspections with specified elements. Section 20.20 requires tracking postconstruction enforcement. Together with Section 18.14, these provisions significantly expand case-level documentation expectations.

From an implementation standpoint, these requirements may compel MS4 permittees to create new enforcement-tracking databases or contract for specialized compliance software. For communities with limited staff, this administrative expansion may not yield measurable water quality improvements.

The focus should remain on ensuring that enforcement actions occur in a timely and effective manner, rather than on replicating regulatory agency case file structures.

3. Postconstruction Off-Site Treatment

Permit References: Sections 20.10–20.15 (particularly Sections 20.12 and 20.13)

Action Requested

Strike the mandatory catchment prioritization hierarchy and the 24-month implementation deadline; replace both with a “reasonable timeframe” standard.

Reason Supporting Position

Section 20.12 establishes a catchment-based prioritization hierarchy for off-site treatment. Section 20.13 requires implementation within 24 months. Section 20.15 requires documenting legal mechanisms and financial tracking for off-site treatment programs.

Collectively, these provisions effectively transform MS4 post-construction programs into mitigation banking and capital tracking systems. Many municipalities lack in-house legal counsel to manage perpetual maintenance agreements or accounting systems capable of tracking fee-in-lieu payments at this level of detail.

Suggested modification to Section 20.13: Replace “must implement off-site treatment within 24 months” with the following:

“Must implement off-site treatment within a reasonable timeframe.”

If the hierarchy and deadlines are retained, MPCA should provide model legal agreements, standardized tracking templates, and accounting guidance to support consistent statewide implementation.

4. Per- and Polyfluoroalkyl Substances (PFAS) Pesticide Evaluation

Permit References: Sections 21.13–21.15

Action Requested

Modify Section 21.13 to require use of MPCA-provided guidance rather than independent chemical ingredient analysis.

Reason Supporting Position

Section 21.13 requires municipalities to evaluate pesticide ingredients for PFAS compounds. Most MS4 permittees do not have toxicologists or chemists on staff with the expertise necessary to independently analyze ingredient lists or chemical registries.

Suggested modification: Replace “The permittee must evaluate pesticide ingredients for PFAS compounds” with the following:

“The permittee must utilize MPCA-provided PFAS pesticide guidance or approved product lists.”

Centralized state guidance will promote consistent interpretation and reduce legal risk for local governments.

5. Training Requirements

Permit References: Sections 18.9; 19.8; 21.6–21.11

Action Requested

Add language requiring MPCA to provide statewide standardized training materials and allow completion of MPCA-provided training to satisfy permit requirements.

Reason Supporting Position

Section 18.9 requires IDDE training. Section 19.8 requires training for construction inspectors. Sections 21.6–21.11 require winter maintenance documentation and training. The

draft permit increases expectations related to documentation of subject matter coverage and proof of completion.

Under the current framework, each MS4 permittee must independently develop training materials, deliver training sessions, track attendance, and maintain documentation. This results in redundant statewide effort and inconsistent training quality.

Suggested addition:

“MPCA will provide statewide standardized training materials sufficient to satisfy permit training requirements. Completion of MPCA-provided training shall constitute compliance with the training provisions of this permit.”

If the permit expands training requirements, it is reasonable for the State to provide a centralized curriculum, recorded modules, certificates of completion, and tracking infrastructure.

6. Water Quality Trading

Permit Reference: Section 23

Action Requested

Simplify documentation requirements or provide standardized MPCA trade plan templates.

Reason Supporting Position

Section 23 requires preliminary trade plans, contingency plans, annual inspection summaries, cost reporting, and five-day failure notification.

The administrative complexity of these requirements may discourage MS4 participation. If water quality trading is intended to be a viable compliance pathway, documentation should be streamlined and supported by standardized templates.

7. Alum and Ferric Chloride Treatment Monitoring

Permit Reference: Section 24

Action Requested

Add tiered monitoring provisions allowing reduced inspection frequency for stable treatment systems.

Reason Supporting Position

Section 24 requires weekly inspections, storm-event inspections following specified rainfall thresholds, certified laboratory sampling, and baseline jar testing.

For established treatment systems with a stable performance history, this monitoring frequency may not be proportionate to risk. A tiered approach would preserve environmental protection while reducing unnecessary operational burden.

Suggested addition: “Where treatment performance is demonstrated as stable, the permittee may reduce inspection frequency consistent with MPCA guidance.”

8. Environmental Justice Outreach

Permit Reference: Section 16.7

Action Requested

Provide standardized environmental justice screening tools and multilingual outreach templates.

Reason Supporting Position

Section 16.7 requires targeted outreach to low-income residents, people of color, and individuals with limited English proficiency. Many MS4 permittees lack access to demographic analysis tools and translated outreach materials.

MPCA should provide standardized resources to ensure consistent implementation and reduce duplication of effort.

Cumulative Impact

Sections 18, 19, 20, 21, 22, 23, and 24 collectively increase documentation, tracking, monitoring, and training obligations. The practical effect will be increased administrative workload, expanded reliance on consultants, and higher compliance costs, potentially reducing funding available for capital stormwater improvements.

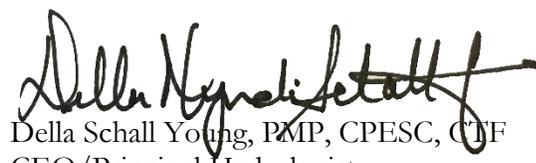
My request to the MPCA is clear:

1. Retain 2020 permit language where increased specificity is not federally required.
2. Modify prescriptive documentation provisions as outlined above.
3. Provide centralized tools, templates, and statewide training infrastructure where new requirements are retained.

My interest is in ensuring that the final MS4 General Permit meaningfully improves water quality while remaining implementable across Minnesota's diverse MS4 community.

Thank you for the opportunity to provide these early draft comments. I appreciate the MPCA's willingness to solicit feedback prior to formal public notice and look forward to continued collaboration as the permit is refined.

Respectfully,



Della Schall Young, PMP, CPESC, CTF
CEO/Principal Hydrologist