

Feedback Received on the 2020 MS4 General Permit

From April 30, 2025, to May 31, 2025, the Minnesota Pollution Control Agency (MPCA) requested feedback from interested and affected parties on the 2020 MS4 General Permit (MNR040000). The purpose was to collect suggestions on potential changes or areas of the permit where improvements could be made. The MPCA received 19 comment letters/emails (available below). The MPCA will consider these comments as it develops the new draft MS4 General Permit.

Letter/email #	Submitted by
1	Albert Lea, City of
2	Anoka County
3	Benton County
4	Capitol Region Watershed District
5	Dakota County
6	Elk River, City of
7	Golden Valley, City of
8	Hennepin County
9	Laketown Township
10	Minnesota Cities Stormwater Coalition
11	Minnesota Department of Health
12	Minnesota Department of Natural Resources
13	Minnesota Department of Transportation Metro District
14	Minnesota Department of Transportation Outstate District
15	Mississippi Watershed Management Organization
16	Olmsted County
17	Pine Springs, City of
18	Rosemount, City of
19	St. Louis County



May 30, 2025

Duane Duncanson; Supervisor
Minnesota Pollution Control Agency
Municipal Stormwater Unit
520 Lafayette Road
St. Paul, MN 55155

Re: 2020 MS4 General Permit Feedback

Dear Mr. Duncanson:

We appreciate the opportunity to provide feedback on the 2020 MS4 general permit to guide changes for the reissued permit. The City of Albert Lea is writing to provide constructive feedback on the MS4 General Permit.

MCM 1 – The City of Albert Lea requests that MPCA take over primary responsibility for development of Public Education and Outreach messaging.

- Currently each MS4 must develop its own education and outreach program, however the issues to be addressed are largely the same throughout all MS4s across the state and can often be the same in many non-MS4 parts of the state. An MPCA-led education and outreach program:
 - would provide consistent messaging across the state,
 - would reduce the audit burden for the MPCA,
 - could be supported by proposed increased permit fees, and
 - would free up local staff to better support MS4 operation.
- MS4 staff could augment MPCA-developed messaging as needed to address localized information and concerns with resource-specific and local issue-specific education and outreach efforts and messaging as well as contact information for local stormwater staff.
- An MPCA-led education and outreach program would enable the use of regional distribution platforms that are beyond the capacities of the City. For example, stormwater education messages could be developed and broadcast over regional television markets. Such approaches could be much more effective and cost-efficient than materials that are targeted only for the residents of the City.
- If MS4 permit fees are to increase, the City of Albert Lea believes that it would be appropriate and cost-efficient to use the increased fee revenue for statewide stormwater education.
- An MPCA-led education and outreach program could be modeled after effective state-wide education programs such as the DNR's Aquatic Invasive Species program or the MDA's Don't Move Firewood emerald ash borer program.
- Additionally, the City of Albert Lea requests that the required education and outreach topics are updated to ensure consistency with available resources. Removal of Section 16.5 c regarding public education on proper storage of deicing materials would allow cities to utilize existing messaging on salt impacts and effective use without having to modify resources to also include information on storage.

MCM 1 – The City of Albert Lea requests that permit language regarding development and documentation of Education and Outreach efforts in Sections 16.7 and 16.8 be updated to better reflect the use of social media and virtual platforms for education and outreach efforts.

- The phrasing of Sections 16.7 and 16.8 appears to be most relevant to printed materials and in-person events. While MS4s understand that websites, social media, and virtual outreach is included and allowed, the language could be updated here and throughout the permit to better reflect virtual options and tracking methods.

MCM 2 - The City of Albert Lea requests removal of public meeting sentence in Section 17.3 and clarification that public input opportunities can also address the overall operations of the MS4.

- Removing this sentence clarifies the intended flexibility in providing an opportunity for public input on the SWPPP. While Section 17.3 notes that "The permittee may conduct a public meeting(s) to satisfy this requirement" many MS4s mistake this to mean that a public meeting is the only option since no other options are listed. Simply updating Section 17.3 to state only that "Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on the adequacy of the SWPPP." allows flexibility while making it clear that a public input opportunity on the SWPPP is required.
- Additionally, most members of the public are interested in the overall management and function of the MS4, but not as interested in reading the SWPPP document. A revision in language to "provide a minimum of one (1) opportunity for the public to provide input on operations and management of the MS4" would allow the city to engage residents in a discussion of the SWPPP and MS4 operations through additional channels such as citizen panels, volunteer speakers, and staff events.

MCM 3 - The City of Albert Lea requests removal of fire and police staff training from Section 18.8. We request that State Agencies work together to incorporate Illicit Discharge Detection and Elimination training into statewide fire and police staff training requirements instead of making this a local requirement of MS4s.

- The City of Albert Lea MS4 staff have little control over the training of police and fire staff working in the community. 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 request that MPCA work with the state agencies that regulate and provide training of fire and police personnel to ensure that IDDE is incorporated into the standard training received by police and fire staff.

MCM 3 – The City of Albert Lea requests removal of documentation requirement for staff departments in Sections 18.16 and 21.13, or requests allowing documentation of either staff titles or departments.

- Tracking of departments doesn't improve oversight. If removal of this requirement isn't feasible, we request that flexibility be allowed to track titles or departments since departments aren't always clearly aligned with staff roles.

MCM 4 and MCM 5 - The City of Albert Lea requests that MPCA work with the Department of Natural Resources to ensure that the MS4 General Permit, Construction Stormwater Permit, and Public Water Permits have consistent requirements where permit applicability overlaps.

- The City often is in a position of determining how best to meet the differing requirements of Public Waters permits and Construction Stormwater Permits with no clear way to resolve which permit requirements to follow.

- Streambank restoration projects and endangered species protections are common areas of difficulty. The City of Albert Lea requests that State agencies work together to outline consistent requirements across areas of overlapping permit applicability.
- Another area of overlap is the linear project water quality volume in Section 20.7 which differs from that in the Construction Stormwater Permit. The differing standard from the CSW Permit creates an undue burden on MS4 staff. MS4 staff should not be required to provide treatment for projects that wouldn't require it for the CSW Permit.

MCM 6 – The City of Albert Lea requests that required training schedules in Section 21.7 align with Smart Salting training offerings.

- Current training schedules in the permit do not align well with Smart Salting trainings.

MCM 6 – The City of Albert Lea requests a revision of language in Section 21.12 to elaborate on what specific staff training is actually required.

- Current permit language is vague which could result in inconsistent oversight and enforcement action by the MPCA during audits.

TMDL WLA section – The City of Albert Lea requests that permit language and reporting requirements are made as simple as possible.

- TMDLs and WLAs are often complex. Applying a simple method for TMDL WLA reporting in the MS4 permit and in supporting reporting systems will ease compliance with TMDLs.

The City of Albert Lea requests that the permit clarify throughout which entities MS4 staff may partner with and what documentation is required. Some areas of the permit only list other MS4s and some list a variety of partners (Sections 12.3, 13.3, 16.2, 25.3).

- MS4 staff relies on partnerships to implement portions of the SWPPP. However, audits often flag partnership agreements as lacking even though the permit isn't clear on what type of documentation is needed to support these partnerships.

Regarding New MPCA Proposed Changes for 2025:

- **Permit clarity** – The City of Albert Lea welcomes improvements that streamline permit organization, simplify documentation requirements, and ensure consistency with available local options for the frequency and content of training and education requirements.
- **Water quality trading** – The City of Albert Lea is in favor of the addition of a water quality trading options and requests that the trading structure proposed in the permit include significant MS4 input prior to permit reissuance. The City of Albert Lea sees benefits in a water quality trading options that would allow MS4 staff to account and take regulatory credit for the benefits of projects undertaken outside of the boundaries of a regulated stormwater conveyance system, such as in-lake treatment, streambank restoration, ravine stabilization, and projects in partnership with local stakeholder groups (i.e. watershed organizations, SWCD, Pheasants Forever, lake associations, etc.) and neighboring communities (MS4 or non-MS4), that improve and/or protect water quality. MCSC also encourages the MPCA to develop methods for estimating the pollutant load reductions that result from such projects.
- **PFAS** – The City of Albert Lea does not support the incorporation of PFAS regulations into the MS4 Permit. PFAS regulations should be state-level requirements that directly deal with PFAS sources. MPCA noted that Minn. Stat. 325F.072 is proposed for inclusion in the MS4 permit. This statute

already applies to cities and prohibits the use of PFAS-containing firefighting foams. The statute should be implemented through a statewide method directed at firefighting efforts, not tied to the MS4 permit. A permit section based on Minn. Stat. 325F.072 would be redundant and unnecessary; and if 325F.072 is ever changed or revised, the City's MS4 permit would need to be immediately revised to match or the City would face permit requirements that might conflict with State statute.

- **Guidance Documents** – With permit reissuance, The City of Albert Lea encourages the MPCA to develop additional and updated guidance documents and supporting forms (e.g. annual assessment form) as reviewed by a committee of various regulated entities in coordination with the MPCA in order to provide needed clarity to permittees and ensure consistency in MPCA audits.

Thank you for your consideration.

Sincerely,



John Ryther, EIT
Environmental Engineer
City of Albert Lea

Cc: Ryan Hajek, Assistant Director of Public Works
Steven Jahnke, City Engineer and DPW
Mitch Johnson, Utilities Superintendent
Cathy Malakowsky, Public Relations
Rich Murray, Mayor
Robert Rice, Building and Zoning Official
Ian Rigg, City Manager
Wayne Sorensen, Building and Zoning Official



May 20, 2025

Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road North
St. Paul, MN 55155

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

Subject: 2020 MS4 General Permit feedback

Dear MPCA Permit Staff,

Thank you for the opportunity to provide feedback on the MS4 permit and the associated Minimum Control Measures (MCMs). Anoka County appreciate 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

We suggest the MPCA assume 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.

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.
- **SWPPP Communication:** Clarification is requested on whether maintaining a website with the SWPPP and an option for public comment satisfies participation requirements.
- **Ongoing Outreach:** MS4s are actively engaging the public through creative means, including:
 - Twice-yearly calls for input via social media
 - Public engagement contests
 - In-person outreach
 - Story maps and other targeted advertising

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

- **Training Requirements – Section 18.8:** 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.

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- 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, and break room posters with sign-in sheets
 - Selective formal training for public works, construction field staff, parks 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.

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.
- **Cost Benchmarking:** Hennepin County has referenced Capitol Region Watershed District's cost cap (\$94k/acre) for treatment of reconstructed impervious surfaces as a helpful tool. Acknowledging regional cost estimates may help MS4s gauge and justify treatment investments. [Source: Capitol Region Watershed District Cost Cap – Dec. 2023](#)

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 throughout the fall and coordinating through partners (e.g., Chandi) or platforms like Eventbrite could enhance accessibility.

Other Comments

- **Audits:**
 - We recommend scheduling audits outside the construction season to minimize disruptions. (November-March)
 - MS4s should be provided at least one month's notice to compile and submit materials.
 - 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:**

- 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 your consideration of these comments and look forward to continued collaboration to ensure the MS4 permit is both effective and practical for all communities. Please do not hesitate to contact us for further discussion.

Sincerely,

Rebecca Haug
Project Manager-Environmental
763-324-3114
1440 Bunker Lake Blvd NW
Andover MN 55304



May 20, 2025

Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road North
St. Paul, MN 55155

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

Subject: 2020 MS4 General Permit feedback

Dear MPCA Permit Staff,

Thank you for the opportunity to provide feedback on the MS4 permit and the associated Minimum Control Measures (MCMs). **Benton 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

- We suggest the MPCA assume **some** 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. Education such as IDDE and Pet Waste would be beneficial to have standardized across the state.

MCM 2 – Public Participation and Involvement

- **SWPPP Annual Meeting:**
 - 17.3 Clarification on what type of event satisfies this requirement. Does a social media post suffice for this?

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

- **Training Requirements – Section 18.8:** We recommend removing the requirement for training police and fire personnel **only** 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, and break room posters with sign-in sheets

- 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.

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.
- **Cost Benchmarking:** Hennepin County has referenced Capitol Region Watershed District's cost cap (\$94k/acre) for treatment of reconstructed impervious surfaces as a helpful tool. Acknowledging regional cost estimates may help MS4s gauge and justify treatment investments. [Source: Capitol Region Watershed District Cost Cap – Dec. 2023](#)

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 throughout the fall and coordinating through partners (e.g., Chandi) or platforms like Eventbrite could enhance accessibility.

Other Comments

- **Audits:**
 - MS4s should be provided at least one month's notice to compile and submit materials.
- **Training Documentation:**
 - 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 your consideration of these comments and look forward to continued collaboration to ensure the MS4 permit is both effective and practical for all communities. Please do not hesitate to contact us for further discussion.

Sincerely,

Adam Ritsche (Environmental Technician/ County Ditch Inspector)

Adam Ritsche

Landgraf, Cole (MPCA)

From: Chris Kucek <CKucek@capitolregionwd.org>
Sent: Friday, May 30, 2025 4:04 PM
To: MN_MPCA_MS4permit
Cc: Forrest Kelley
Subject: 2020 MS4 General Permit Feedback
Attachments: 2020 MS4 Permit Comments_CRWD.pdf

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Capitol Region Watershed District MS4 General Permit Comments:

18.12.a.: a timeframe in which the permittee will investigate a reported illicit discharge;

A maximum allowable timeframe would be helpful guidance here

23.3.d.: in-lake phosphorus treatment activities are not authorized under the General Permit. [Minn. R. 7090]

Direction on which agency or permit process covers in-lake alum treatments here would be helpful.

Thank you,



Chris Kucek

Facility Operations Specialist

[Capitol Region Watershed District](#)

595 Aldine Street | Saint Paul, MN 55104

Email: ckucek@capitolregionwd.org

(651) 644-8888 Ext. 112 | mobile: (262) 506-4268





May 30, 2025

Minnesota Pollution Control Agency (MPCA)
Municipal Separate Storm Sewer (MS4) Program
520 Lafayette Road North
St. Paul, MN 55155

Re: Submittal of Feedback on the 2020 MS4 General Permit Reissuance

Dear MPCA Permit Staff,

Thank you for the opportunity to provide feedback on the MS4 permit and the associated Minimum Control Measures (MCMs) during this 2020 General Permit reissuance process. Dakota County appreciates the efforts made by the MPCA to maintain consistency and effectiveness in stormwater management across the state. Dakota County staff reviewed the permit and have the following comments and recommendations organized by MCM, along with additional suggestions related to audits and training.

MCM 1 – Public Education and Outreach

Staff recommend the MPCA assume 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.

MCM 2 – Public Participation and Involvement

- **Section 17.3:** Staff recommend clarifying whether there is a mandatory public meeting requirement. The document says that Permittee “may” conduct a public meeting, but there is confusion between that sentence and the preceding sentence on what is acceptable for opportunities for members of the public to provide input. Public participation goals can be achieved through more flexible and modern outreach strategies.
- **Stormwater Pollution Prevention Program Communication:** Clarification is requested on whether maintaining a website with the SWPPP and an option for public comment satisfies participation requirements.
- **Ongoing Outreach:** MS4s are actively engaging the public through creative means, including the following for Dakota County:
 - Regular calls for input via social media,
 - Public programming support for Wetland Health Evaluation Program, rain barrel sales, and other citizen-oriented programs, and
 - In-person outreach with watersheds and other local partners.

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

- **Training Requirements – Section 18.8:** Staff 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 could be more efficient.

Environmental Resources

P 952-891-7000 F 952-891-7588 W www.dakotacounty.us
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- Staff recommends clearly defining the scope of personnel required to receive formal training and accepting informal awareness methods where appropriate. Dakota County has cast a wide net on the staff who are instructed to complete IDDE training via an electronic training program, but clarification on staff needing training would allow for more effective training and ensure compliance.

MCM 4 – Construction Site Stormwater Runoff Control

- Staff 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 Construction Stormwater permits will reduce confusion and improve compliance. As a county with both urban and rural areas, staff recognizes that there may be practical limitations to creating standards or language that fits all scenarios.
- Non-traditional MS4s have limitations for staff in the formalized review of site development and permitted projects. Dakota County has no land use authority to enforce regulations outside of the county right-of-way and therefore relies on its municipal partners in the urbanized area. Many of the requirements of this section (for instance, sections 19.05 through 19.10) have no accommodations for non-traditional MS4s that the structure and authority to implement such rigid program functions.

MCM 5 – Post-Construction Stormwater Management

- The burden on non-traditional MS4s remains significant. Staff recommend allowing the use of internal memos to document adaptive practices and provide context. As mentioned above, Dakota County has no land use authority throughout the county (with limited exceptions). Staff also rely on municipal partners for stormwater system programming and maintenance. Mapping and inventory requirements should be clarified and provide flexibility for non-traditional MS4s (e.g., section 20.16).

MCM 6 – Pollution Prevention and Good Housekeeping

- **Smart Salting Training:** Staff request increased availability of in-person Smart Salting training sessions, as not all staff have adequate access to computers. Hosting multiple events throughout the fall and coordinating through partners (e.g., Chandi) or platforms like Eventbrite could enhance accessibility. The annual frequency requirement for winter maintenance training could also be considered for review due to the resource challenge.
- Similar to the comments above, requirements of this section (for instance 21.9 and 21.10) have no accommodation for the circumstances of non-traditional MS4s that are likely partnering with local municipalities on storm sewer system operation and maintenance.

Other Comments

- **Audits:**
 - Staff recommend scheduling audits outside the construction season to minimize disruptions. (November-March)
 - MS4s should be provided at least one month's notice to compile and submit materials.
 - 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 recommend a one-month turnaround.
- **Training Documentation:**
 - Please remove the requirement for content creators or presenters to certify that they have been trained. This is redundant and adds unnecessary administrative steps.

I appreciate your consideration of these comments and look forward to continued collaboration to ensure the MS4 permit is both effective and practical for all communities and for all types of MS4 Permittees. For additional information, please contact Cole Johnson, Water Resources Project Supervisor, at Cole.Johnson@co.dakota.mn.us or 952-891-7539.

Sincerely,



Nikki Stewart
Environmental Resources Director
952-891-7554
Nikki.Stewart@co.dakota.mn.us

Cc: Heidi Welsch, County Manager
Georg Fischer, Physical Development Division Director
Brad Becker, Water Resources Manager



Memorandum

To: Minnesota Pollution Control Agency

From: Justin Femrite P.E., Public Works Director/Chief Engineer, City of Elk River

Date: May 29th, 2025

Subject: 2020 MS4 General Permit Feedback

Thank you for the opportunity to provide comments as part of the MS4 Permit renewal process. The City of Elk River offers the following comments:

The MS4 Permit is an unfunded mandate that places a burden on the City in terms of financial, staffing, and time resources. It's the City of Elk River's opinion that local control over stormwater management is more effective at meeting the unique needs and challenges for our specific area. Therefore, the City of Elk River would first recommend that there should be no MS4 Permit or permit requirements.

Recognizing there will likely be continuation of the MS4 permit in some form (vs. being fully redacted as our first preference), funding for all permittee obligations, above those imposed by the federal policy, should be provided by the State of Minnesota. If funding is not available from the state, then permit conditions and obligations should be limited to those of federal law.

Landgraf, Cole (MPCA)

From: Eric Eckman <EEckman@goldenvalleymn.gov>
Sent: Thursday, May 29, 2025 2:22 PM
To: MN_MPCA_MS4permit
Subject: 2020 MS4 General permit feedback

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Below are comments from Golden Valley.
Thank you for the opportunity for early input.
Eric

Eric Eckman, CFM | Environmental Resources Supervisor | City of Golden Valley
7800 Golden Valley Road | Golden Valley, MN 55427 | P: 763-593-8084
TTY: 763-593-3968 | E: eeckman@goldenvalleymn.gov



Pronouns: he/him/his

MCM 2 - Recommend removal of public meeting sentence in 17.3. Removing this sentence clarifies the intended flexibility in providing an opportunity for public input on the SWPPP. While 17.3 notes that "The permittee may conduct a public meeting(s) to satisfy this requirement" many MS4s mistake this to mean that a public meeting is the only option.

MCM 3 - Recommend removal of fire and police staff training from section 18.8. We request that State Agencies work together to incorporate Illicit Discharge Detection and Elimination training into statewide fire and police staff training requirements instead of making this a local requirement of MS4s. Many small 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. We request that MPCA work with the state agencies that regulate and provide training of fire and police personnel to ensure that IDDE is incorporated into the standard training received by police and fire staff.

- ☒ **MCM 4 - Recommend that MPCA work with the Department of Natural Resources to ensure that the MS4 General Permit, Construction Stormwater Permit, and Public Water Permits have consistent requirements.** MS4s often end up stuck between the differing requirements of Public Waters permits and CSW permits with no clear way to resolve which permit requirements to follow. Streambank restoration projects and endangered species protections are common areas of difficulty.

1 - Public Education and Outreach?

We support MPCA leading and providing statewide guidance materials and messaging on stormwater education and outreach. However, we still think there is benefit in delivering those messages locally and in ways that work for each community.

Rearrange some of the items for clarity. Please list section 16.7 first, and include all mandatory education and outreach requirements (16.3-16.6) under this section.

5 - Post-Construction Stormwater Management?

Section 20.9 Please add this prohibition: "within 25 feet from a sanitary sewer system in an effort to reduce inflow and infiltration, unless otherwise waived by the municipality".

What specific changes would you like to see in the MS4 Permit Language for Annual Assessment, Annual Reporting, and Recordkeeping?

25.2 and throughout the permit - Please provide cities with guidance and/or one-page form(s) that satisfies each annual assessment requirement.

Consider eliminating the requirement for annual assessments for each section, and if an overall assessment must be included, make it a one-page form for the entire program. In theory, the annual reports to MPCA should satisfy most of the assessment/evaluation cities and MPCA would be performing.

Landgraf, Cole (MPCA)

From: Drew McGovern <Drew.McGovern@hennepin.us>
Sent: Friday, May 30, 2025 1:22 PM
To: MN_MPCA_MS4permit
Subject: 2020 MS4 General Permit Feedback

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Good afternoon, MPCA Staff,

Thank you for the opportunity to provide feedback on the MS4 General Permit. I work at Hennepin County and am one of several staff members supporting the MS4 program. While my primary focus is MCM 5, I have gathered comments from our MS4 team to share in this email.

We have encountered challenges on several current projects in Minneapolis related to the MPCA's guidance on infiltration in areas with potential karst-like bedrock. Previously, we relied on the DNR's karst maps, which identified karst features 25 feet from the surface. With the 2021 DNR/Hennepin County groundwater atlas update and the MPCA's 50-foot guidance, the potential karst area has expanded significantly. While the MPCA's guidance seems to provide some flexibility in the evaluation process, our experience with consultants is that they are often hesitant to approve infiltration in ambiguous cases.

Section 20.9

- Is the requirement of being within 1,000 feet up-gradient or 100 feet down-gradient of active karst features too conservative in some situations?
- Could you share how these limits were determined?
- What modeling or data sources were used to develop these thresholds?
- How did the MPCA account for the underlying geology and built environment in this process?
- Side-gradient is not discussed in the permit, nor is there a process for determining when an infiltration practice is neither up-gradient nor down-gradient. Could guidance be provided on this?
- It would be valuable to discuss, in a meeting, a few different scenarios to help understand expectations were trenches have been constructed to accommodate various roadway infrastructure.
- Roadway construction timelines often create a challenge for a comprehensive site hydrogeologic conceptual model with years of data. As a result, we typically use regional groundwater flow directions from reputable sources (such as the county geologic atlas) to guide our

determinations. Given these constraints, would using regional flow information be sufficient for determining up-gradient and down-gradient directions?

Section 27.2

- Is the 50-foot threshold too conservative?
- How was this depth determined, especially since the DNR layers used 25 feet?
- If borings indicate groundwater shallower than 50 feet, are these formations still a concern if they are submerged?
- Can the MPCA coordinate with the DNR and produce active karst GIS layers that align with the language in this permit?

Section 21.14

- Would it be possible to revise the language to exclude limited delta maintenance at a pond inlet from these requirements? Our understanding is that the intent of this section is to address larger pond cleanouts, not routine maintenance.

We appreciate your consideration of these questions and suggestions. There are items that we would like to discuss if the MPCA is willing and interested. We look forward to continuing our collaboration to ensure the MS4 permit is both effective and practical for local implementation.

Thank you again for your time and partnership.

Drew McGovern, PE

Senior Water Resources Engineer

Transportation Project Delivery

Office: 612-596-0208

drew.mcgovern@hennepin.us | hennepin.us

Public Works Facility

1600 Prairie Drive

Medina, MN 55340



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Landgraf, Cole (MPCA)

From: Brian Lawrence <Brian@laketownmn.gov>
Sent: Friday, May 23, 2025 8:45 AM
To: MN_MPCA_MS4permit
Cc: Linda Mullen
Subject: 2020 MS4 General Permit feedback - Laketown Township

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Thank you for the opportunity to comment. I am the roads technician at laketown township. Our township was recently audited and we had a number of items that were not up to par, close but not close enough. The audit was an overall great experience for me and helped to clear up some former misconceptions so our program can run flawlessly. The auditors were extremely helpful and professional and have always made themselves available for follow up. Kudos to your staff.

Two item I would like to be considered for small townships and limited staff environments is:

18.1 MCM 3:

18.8 At least once each calendar year, the permittee must train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges) and reporting illicit discharges for further investigation. Field staff includes, but is not limited to, police, fire department, public works, and parks staff. Training for this specific requirement may include, but is not limited to, videos, in-person presentations, webinars, training documents, and/or emails. [Minn. R. 7090]

Our township does not have a fire or police department, but we are serviced by the surrounding three cities fire departments as well as the county sheriff's office. In the past, we always listed this as N/A as we do not have our own police and fire. During our audit, we were posed with how do we know this is happening without their training documentation. Fair point.

The other side to this is it is clear I have no authority over any of the surrounding cities or police and getting this documentation proved to be difficult. I spent a lot of time reaching out and tracking these down, and I wasn't received well or at all in this pursuit. This has been the most troublesome item for me to tackle. All of the surrounding cities and counties have MS4 permits and maintain this documentation, or are supposed to per the permit. Getting this from them was my biggest challenge.

As well, we have limited staff, a road tech, a sewer tech and a clerk. I am solely responsible for maintaining this program, so the burden to comply is mine alone. This is a tertiary duty beyond my primary role as the roads technician which keeps me plenty busy already.

Now that I have established all of the contacts, keeping up with this will be much easier, but it is a lot of follow up and tracking down and time spent that could be spent otherwise if this was not a requirement.

Could it be considered for townships who have no fire or police to be able to list this item as N/A in the future.

Also, there was a training opportunity in May for townships to go over the audit process and general permit. Great training opportunity, but spring is also the busiest time of year for townships with gravel roads. Between rain, gravel hauling and the spring thaw, May might not be the best time to get folks there. We run pretty hard up to the 4th of July, so if I can suggest future training events be scheduled after July 4th in the future, I think it would benefit a lot more people.

Thank you for your time and consideration. Feel free to contact me with any questions or concerns.

--

Brian Lawrence
Road Technician
9530 Laketown Road
Chaska, MN, 55318
Office: 952-442-5278
Cell: 302-943-8007



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

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Bolton & Menk

Cara Geheren

Focus Engineering

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City of Bloomington

Eric Eckman

City of Golden Valley

Erick Francis

City of Saint Louis Park

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May 28, 2025

Duane Duncanson

Supervisor

Minnesota Pollution Control Agency

Municipal Stormwater Unit

520 Lafayette Road

St. Paul, MN 55155

Re: 2020 MS4 General Permit Feedback

Dear Mr. Duncanson:

We appreciate the opportunity to provide feedback on the 2020 MS4 general permit to guide changes for the reissued permit. MCSC especially appreciates the three-step reissuance process that allows multiple opportunities for stakeholder feedback. As a coalition of over 80 permitted MS4s, MCSC is writing to provide collective feedback on the 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.

MCM 1 – MCSC requests that MPCA take over primary responsibility for development of Public Education and Outreach messaging.

- Currently each MS4 must develop its own education and outreach program, however the issues to be addressed are largely the same throughout all MS4s across the state and can often be the same in many non-MS4 parts of the state. An MPCA-led education and outreach program:
 - would provide consistent messaging across the state,
 - would reduce the audit burden for the MPCA,

- could be supported by proposed increased permit fees, and
 - would free up local staff to better support MS4 operation.
- MS4s could augment MPCA-developed messaging as needed to address localized information and concerns with resource-specific and local issue-specific education and outreach efforts and messaging as well as contact information for local stormwater staff.
- An MPCA-led education and outreach program would enable the use of regional distribution platforms that are beyond the capacities of individual MS4 permittees. For example, stormwater education messages could be developed and broadcast over regional television markets. Such approaches could be much more effective and cost-efficient than materials that are targeted only for the residents of individual MS4 permittees.
- If MS4 permit fees are to increase, MCSC believes that it would be appropriate and cost-efficient to use the increased fee revenue for statewide stormwater education.
- An MPCA-led education and outreach program could be modeled after effective state-wide education programs such as the DNR's Aquatic Invasive Species program or the MDA's Don't Move Firewood emerald ash borer program.
- Additionally, MCSC requests that the required education and outreach topics are updated to ensure consistency with available resources. Removal of Section 16.5 c regarding public education on proper storage of deicing materials would allow cities to utilize existing messaging on salt impacts and effective use without having to modify resources to also include information on storage.

MCM 1 – MCSC requests that permit language regarding development and documentation of Education and Outreach efforts in Sections 16.7 and 16.8 be updated to better reflect the use of social media and virtual platforms for education and outreach efforts.

- The phrasing of Sections 16.7 and 16.8 appears to be most relevant to printed materials and in-person events. While MS4s understand that websites, social media, and virtual outreach is included and allowed, the language could be updated here and throughout the permit to better reflect virtual options and tracking methods.

MCM 2 - MCSC requests removal of public meeting sentence in Section 17.3 and clarification that public input opportunities can also address the overall operations of the MS4.

- Removing this sentence clarifies the intended flexibility in providing an opportunity for public input on the SWPPP. While Section 17.3 notes that "The permittee may conduct a public meeting(s) to satisfy this requirement" many MS4s mistake this to mean that a public meeting is the only option since no other options are listed. Simply updating Section 17.3 to state only that "Each calendar year, the permittee must provide a minimum of one (1) opportunity for the public to provide input on the adequacy of the SWPPP." allows flexibility while making it clear that a public input opportunity on the SWPPP is required.
- Additionally, most members of the public are interested in the overall management and function of the MS4, but not as interested in reading the SWPPP document. A revision in language to "provide a minimum of one (1) opportunity for the public to provide input on operations and management of the MS4" would allow cities to engage residents in a discussion of the SWPPP and MS4 operations through additional channels such as citizen panels, volunteer speakers, and staff events.

MCM 3 - MCSC requests removal of fire and police staff training from Section 18.8. We request that State Agencies work together to incorporate Illicit Discharge Detection and Elimination training into statewide fire and police staff training requirements 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 request that MPCA work with the state agencies that regulate and provide training of fire and police personnel to ensure that IDDE is incorporated into the standard training received by police and fire staff.

MCM 3 – MCSC requests removal of documentation requirement for staff departments in Sections 18.16 and 21.13, or requests allowing documentation of either staff titles or departments.

- Tracking of departments doesn't improve oversight. If removal of this requirement isn't feasible, we request that flexibility be allowed to track titles or departments since departments aren't always clearly aligned with staff roles.

MCM 4 and MCM 5 - MCSC requests that MPCA work with the Department of Natural Resources to ensure that the MS4 General Permit, Construction Stormwater Permit, and Public Water Permits have consistent requirements where permit applicability overlaps.

- MS4 Cities often land in a position of determining how best to meet the differing requirements of Public Waters permits and Construction Stormwater Permits with no clear way to resolve which permit requirements to follow.
- Streambank restoration projects and endangered species protections are common areas of difficulty. MCSC requests that State agencies work together to outline consistent requirements across areas of overlapping permit applicability.
- Another area of overlap is the linear project water quality volume in Section 20.7 which differs from that in the Construction Stormwater Permit. The differing standard from the CSW Permit creates an undue burden on MS4s. MS4s should not be required to provide treatment for projects that wouldn't require it for the CSW Permit.

MCM 6 – MCSC requests that required training schedules in Section 21.7 align with Smart Salting training offerings.

- Current training schedules in the permit do not align well with Smart Salting trainings.

MCM 6 – MCSC requests a revision of language in Section 21.12 to elaborate on what specific staff training is actually required.

- Current permit language is vague which could result in inconsistent oversight and enforcement action by the MPCA during audits.

TMDL WLA section – MCSC requests that permit language and reporting requirements are made as simple as possible.

- TMDLs and WLAs are often complex. Applying a simple method for TMDL WLA reporting in the MS4 permit and in supporting reporting systems will ease compliance with TMDLs.

MCSC requests that the permit clarify throughout which entities MS4s may partner with and what documentation is required. Some areas of the permit only list other MS4s and some list a variety of partners (Sections 12.3, 13.3, 16.2, 25.3).

- Many MS4s rely on partnerships to implement portions of their SWPPP. However, audits often flag partnership agreements as lacking even though the permit isn't clear on what type of documentation is needed to support these partnerships.

Regarding New MPCA Proposed Changes for 2025:

- Permit clarity – MCSC welcomes improvements that streamline permit organization, simplify documentation requirements, and ensure consistency with available local options for the frequency and content of training and education requirements.
- Water quality trading – MCSC is in favor of the addition of a water quality trading options and requests that the trading structure proposed in the permit include significant MS4 input prior to permit reissuance. MCSC sees benefits in a water quality trading options that would allow MS4s to account and take regulatory credit for the benefits of projects undertaken outside of the boundaries of a regulated stormwater conveyance system, such as in-lake treatment, streambank restoration, ravine stabilization, and projects in partnership with local stakeholder groups (i.e. watershed organizations, SWCD, Pheasants Forever, lake associations, etc.) and neighboring communities (MS4 or non-MS4), that improve and/or protect water quality. MCSC also encourages the MPCA to develop methods for estimating the pollutant load reductions that result from such projects.
- PFAS – MCSC does not support the incorporation of PFAS regulations into the MS4 Permit. PFAS regulations should be state-level requirements that directly deal with PFAS sources. MPCA noted that Minn. Stat. 325F.072 is proposed for inclusion in the MS4 permit. This statute already applies to cities and prohibits the use of PFAS-containing firefighting foams. The statute should be implemented through a statewide method directed at firefighting efforts, not tied to the MS4 permit. A permit section based on Minn. Stat. 325F.072 would be redundant and unnecessary. If 325F.072 is ever changed or revised, the permit would need to be immediately revised to match or permittees would face permit requirements that might conflict with State statute.

- Guidance Documents – With permit reissuance, MCSC encourages the MPCA to develop additional and updated guidance documents and supporting forms (e.g. annual assessment form) as reviewed by a committee of various regulated entities in coordination with the MPCA in order to provide needed clarity to permittees and ensure consistency in MPCA audits.

MCSC and its member cities appreciate the opportunity to provide input on the current MS4 permit. Please feel free to contact Lisa Tilman at lisa.tilman@stantec.com or 763-252-6832 if you have any questions or would like to schedule a meeting to further discuss the comments.

Respectfully,

A handwritten signature in black ink that reads "Elizabeth Stout". The script is cursive and fluid.

Elizabeth Stout, Chair MCSC Steering Committee
Minnesota Cities Stormwater Coalition



Protecting, Maintaining and Improving the Health of All Minnesotans

May 30, 2025

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

To Whom It May Concern,

Thank you for providing the Minnesota Department of Health (MDH) with the opportunity to comment on the 2020 MS4 General Permit. The Minnesota Department of Health's mission is to protect, maintain, and improve the health of all Minnesotans. An important aspect to protecting Minnesotans' health is the protection of drinking water sources. MDH is the agency responsible for implementing programs under the Safe Drinking Water Act.

Source Water Protection (SWP) is the framework MDH uses to protect sources of drinking water. The broad goal of SWP in Minnesota is to protect and prevent contamination of groundwater and surface water sources of drinking water using best management practices and local planning. Many community public water supply systems across the state have highly vulnerable source aquifers or rely on surface water sources. These water supplies are susceptible to land surface contaminant point sources such as storm sewer systems.

To aid in the reissuance of the MPCA's MS4 permit, and to assist in working together toward addressing mutual goals and priorities, MDH SWP staff have compiled the following general recommendations and considerations related to source water and drinking water protection. Within these recommendations and considerations, you will find various data and resources to aid in the development and implementation of the permit and associated projects:

- 1) **Section 14.2:** Consider including locations of groundwater DWSMAs and surface water DWSMA-SWs, if present, on storm sewer system maps.
 - a) To view DWSMAs (both groundwater and surface water) and vulnerability information, visit MDH's online map viewer: Source Water Protection Web Map Viewer - MN Dept. of Health
<https://www.health.state.mn.us/communities/environment/water/swp/mapviewer.html>

- 2) **Sections 18.13, 23.9, 26.11:** Include MDH in emergency response and notification procedures.
- a) Regarding section 18.13, if the source of an illicit discharge is a spill or leak (as defined in Minn. Stat. 115.061) occurs inside a DWSMA (groundwater or surface water), the permittee should notify the MDH Community District Engineer after the Duty Officer is notified. MDH will determine which, if any, public water supply system(s) may be impacted and will subsequently notify them. Please refer to the Source Water Protection Web Map Viewer above to view locations of DWSMAs.
- To view the district community engineers please go to: [Community Public Water Supply Unit Contacts and Districts](https://www.health.state.mn.us/communities/environment/water/docs/comstaffmap.pdf)
(<https://www.health.state.mn.us/communities/environment/water/docs/comstaffmap.pdf>)
- b) Regarding sections 23.9 and 26.11, if the permittee discovers that noncompliance with a condition of the General Permit has occurred which could endanger public drinking water supplies, the Drinking Water Protection Section Manager at MDH should be alerted immediately after the Commissioner is notified.
- c) How does the MPCA define “endangering the public drinking water supply”?
- 3) **Sections 18.6, 21.5:** Consider an additional regulatory mechanism that designated salt storage areas must be indoors or have a secondary containment feature when the storage area is within an Inner Wellhead Management Zone (IWMZ), which is the 200-foot radius surrounding a public water supply well.
- a) Ideally salt storage areas would not be within an IWMZ, but if the location is necessary, indoor storage or a secondary containment feature would provide additional protection for groundwater sources of drinking water to avoid chloride contamination.
- 4) **Section 20.9:** In addition to “See ‘higher level of engineering review’ in the Minnesota Stormwater Manual [Minn. R. 7090]”, include language to “contact the relevant source water protection hydrologist at MDH for technical assistance (<https://www.health.state.mn.us/communities/environment/water/docs/swpstaffmap.pdf>)”.
- a) Alternatively, add the link to contact information for MDH SWP hydrologists prominently on the Stormwater Manual page with the higher level of engineering review information.

If you have any questions, or would like additional resources or technical assistance, please feel free to contact us at 651-201-5011 or danielle.luzinski@state.mn.us. Again, thank you for the opportunity to be involved in this permit revision.

Sincerely,

A handwritten signature in black ink that reads "Danielle Luzinski". The signature is written in a cursive, flowing style.

Danielle Luzinski, PE
Minnesota Department of Health
Source Water Protection Unit
PO Box 64975
St. Paul, MN 55164-0975
www.health.state.mn.us

CC: Mark Wettlaufer, MDH Source Water Protection Unit
Anneka Munsell, MDH Source Water Protection Unit
Abby Shea, MDH Source Water Protection Unit
Dereck Richter, MDH Source Water Protection Unit
John Woodside, MDH Source Water Protection Unit
Kim Larsen, MDH Community Public Water Supply Unit
Steve Robertson, MDH Drinking Water Protection Section

Landgraf, Cole (MPCA)

From: Burri, Tom (DNR)
Sent: Tuesday, May 27, 2025 8:24 AM
To: MN_MPCA_MS4permit
Cc: Tolo, Isaiah (DNR)
Subject: 2020 MS4 General Permit feedback

Hello,

To protect aquatic life and avoid fish kills; I would like to suggest that the permit formally includes requirements that municipal water (especially when containing chlorine or chloramine) is not released using the storm sewer system or commingled with storm water.

Thank you

Tom Burri

<>< <>< <>< <>< <°))))))><

Tom Burri

Limnology Consultant | Fish and Wildlife
(he/him/his)

Minnesota Department of Natural Resources

500 Lafayette Road
St. Paul, MN 55155-4025
Phone: 218.417.0707



Landgraf, Cole (MPCA)

From: Swenson, Jason (DOT)
Sent: Friday, May 30, 2025 5:02 PM
To: MN_MPCA_MS4permit
Cc: Kowalczyk, Katie (She/Her/Hers) (DOT)
Subject: 2020 MS4 General Permit Feedback

Dear MPCA MS4 General Permit Reissuance Team:

Thank you for the opportunity to comment on the current 2020 MS4 General Permit language. These comments are being sent on behalf of the MnDOT Metro District which is a general permit holder under the current MS4 General Permit. These comments have been prepared by Jason Swenson, MnDOT Metro District MS4 Engineer, and Katie Kowalczyk, MnDOT Metro District Water Resources Engineer.

Specific comments are:

1. Section 27.12: The definition of “Fully reconstructed” in the current MS4 General permit is slightly different than the pavement rehabilitation definition in “Construction Activity” in both the MS4 Permit (Section 27.9) and the NPDES Construction Stormwater Permit (Section 25.6). The MS4 “Fully reconstructed” definition says ‘expose’ underlying soils where the Construction definition says ‘disturb’ underlying soils. This has caused confusion with designers and requires different measurements to be made for stormwater treatment calculations. Please modify to create a consistent definition, or clarify why they are different. MnDOT Metro asks that the definitions for pavement reconstruction/rehabilitation are made consistent between the definitions in the MS4 permit and between the MS4 and CSW permits. These pavement work types are in the “Fully Reconstructed” and “Construction Activity” definitions in the MS4 Permit and the “Construction Activity” definition in CSW Permit.
2. Sections 20.5, 20.6, and 20.7: The MS4 General Permit adds requirements for treatment of “fully reconstructed impervious surfaces” in addition to the treatment of new impervious surfaces as required by the Construction Stormwater General Permit. It requires the MS4 permit holder to create a regulatory mechanism to enforce this requirement. In practice, many designers miss this requirement as it is not discussed, mentioned, or referenced directly in the Construction Stormwater General Permit. Training for the General CSW permit does not really cover this topic making it easy for designers to forget they need to comply with it, and it requires that MnDOT Water Resources staff to ensure that it is complied with as it currently is not required to be discussed in a CSW SWPPP. MnDOT Metro District again asks for the MPCA to consider including some sort of reference to the MS4 permit stormwater treatment requirements in the Construction Stormwater Permit.
3. Sections 20.7-9: These sections explain that the stormwater treatment is a volume reduction requirement measured as a volume. Section 20.8 states “Wet sedimentation basins and filtration systems” are not volume reduction, but then says these practices can be considered where infiltration is prohibited. However, the permit does not describe how the measurement should be made to determine what the water quality volume treatment requirement is when using treatment methods that don’t reduce volumes. Since neither of these practices provide volume reduction, but can provide water quality treatment at vastly different removal rates, please describe how the measurement should be made and compliance determined. The linear compliance sequence document indicates 80% TSS removal, but this removal is nearly impossible to achieve when treating 0.5” of runoff from reconstructed areas. When using filtration and wet ponds, should the WQV treatment be calculated as pollutant removal or is there an equivalent volume that can be used based on the treatment type?

We appreciate the MPCA's consideration of these comments.

Respectfully,
Jason Swenson and Katie Kowalczyk

Jason Swenson, PE

Metro District MS4 Engineer
Phone 651-234-7539
Jason.swenson@state.mn.us



MnDOT Outstate Districts Permit Feedback on the 2020 MS4 General Permit

5/30/2025

Permit Section 20.8 (MCM 5: Post-Construction Stormwater Management)

Concern

When infiltration is prohibited (per 20.9), it is unclear how filtration and wet sedimentation basin volumes should be calculated for permit compliance.

Recommended Change

Clarify how treatment should be calculated where infiltration is prohibited.

Permit Section 27.1 (Definitions) Missing “underground outfalls”

Concern

Although “underground outfalls” are referenced in 21.10, there is no definition listed for this term.

Recommended Change

Create a definition, which includes underground pipes and other structures without access points or which are not easily or feasibly accessible within the permittee’s MS4 boundaries.

Permit Section: 27.12 (Definitions) “Fully reconstructed”

Concern

In the MS4 permit the definition of “Fully reconstructed” the description of pavement rehabilitation differs from the NPDES Construction Stormwater (CSW) permit’s 25.6 definition of “Construction Activity” by just one word. The MS4 definition uses the verb “expose” whereas the Construction definition uses the verb ‘disturb’. This single word has caused confusion among our designers and consultants. Each term requires different measurements for stormwater treatment calculations, causing extra work.

Permit excerpts

MS4 27.12 "Fully reconstructed" means areas where impervious surfaces have been removed down to the underlying soils. Activities such as structure renovation, mill and overlay projects, and other pavement rehabilitation projects that do not **expose** the underlying soils beneath the structure, pavement, or activity are not considered fully reconstructed. Maintenance activities

such as catch basin repair/replacement, utility repair/replacement, pipe repair/replacement, lighting, and pedestrian ramp improvements are not considered fully reconstructed. [Minn. R. 7090]

CSW 25.6 "Construction Activity" means activities including clearing, grading, and excavating, that result in land disturbance of equal to or greater than one acre, including the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one acre. This includes a disturbance to the land that results in a change in the topography, existing soil cover, both vegetative and nonvegetative, or the existing soil topography that may result in accelerated stormwater runoff that may lead to soil erosion and movement of sediment. Construction activity does not include a disturbance to the land of less than five acres for the purpose of routine maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Routine maintenance does not include activities such as repairs, replacement and other types of non-routine maintenance. Pavement rehabilitation that does not disturb the underlying soils (e.g., mill and overlay projects) is not construction activity. [Minn. R. 7090]

Recommended Change

Reconcile the definitions for the MS4's "Fully Reconstructed" and the CSW's "Construction Activity" or provide clarification to permittees of why different language is used.

Landgraf, Cole (MPCA)

From: Nancy Stowe <NStowe@mwmo.org>
Sent: Friday, May 30, 2025 3:11 PM
To: MN_MPCA_MS4permit
Cc: Kevin Reich
Subject: FW: Submit feedback now on the 2020 MS4 General Permit

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Thanks for the opportunity to comment on the MS4 permit. At this time, I only have one comment:

1. Regarding 22.2 (c), Please consider listing criteria on what constitutes a credible estimate of cumulative TSS and TP load reductions. For example, must a model be calibrated? If not, maybe require an explanation of the model development methodology, or allow it to be attached.

	assessment. [Minn. R. 7090]
22.1	Discharges to Impaired Waters with a USEPA-Approved TMDL that Includes an Applicable WLA. [Minn. R. 7090]
22.2	If the permittee has an applicable WLA not being met for oxygen demand, nitrate, TSS, or TP, the permittee must provide a summary of the permittee's progress toward achieving those applicable WLAs with the annual report. The summary must include the following information: a. a list of all BMPs applied towards achieving applicable WLAs for oxygen demand, nitrate, TSS, and TP; b. the implementation status of BMPs included in the compliance schedule at the time of final application submittal; and c. an updated estimate of cumulative TSS and TP load reductions. [Minn. R. 7090]

Thanks,

Nancy Stowe, P.E.

Projects and Planning Director, MWMO

*She / Her / Hers**

(612) 746-4978 direct

(612) 272-1850 cell

(612) 746-4970 office

Mississippi Watershed Management Organization

2522 Marshall Street NE

Minneapolis, Minnesota 55418-3329

www.mwmo.org

Connect with us!



May 29, 2025

Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road North
St. Paul, MN 55155

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

Subject: 2020 MS4 General Permit feedback

Dear MPCA Permit Staff,

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 – Section 18.8:** 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.
- **Cost Benchmarking:** Hennepin County has referenced Capitol Region Watershed District's cost cap (\$94k/acre) for treatment of reconstructed impervious surfaces as a helpful tool. Acknowledging regional cost estimates may help MS4s gauge and justify treatment investments. [Source: Capitol Region Watershed District Cost Cap – Dec. 2023](#)

MCM 6 – Pollution Prevention and Good Housekeeping

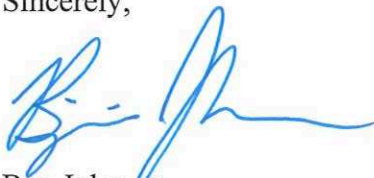
-
- **Smart Salting Training:** We request increased availability of in-person Smart Salting training sessions, as not all staff have adequate access to computers. Hosting multiple events in the fall, throughout the state and coordinating through partners could enhance accessibility.
 - Continue to provide 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 Comments

- **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:**
 - 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

Landgraf, Cole (MPCA)

From: Julie Lapos <jal283@yahoo.com>
Sent: Saturday, May 31, 2025 2:21 PM
To: MN_MPCA_MS4permit; Randilynn Christensen
Subject: 2020 MS4 General Permit feedback

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Re: 2020 MS4 General Permit feedback

From: Julie Lapos-Kuchar

Date: May 31, 2025

To: Minnesota Pollution Control Agency,

I am a city council member for the City of Pine Springs, Minnesota. The City of Pine Springs is located in Washington County and it encompasses the junction of US Interstate 694 and MN State Highway 36. According to the 2020 Census, the community had about 377 residents. In 2023, the City had an income of almost \$172,000 with City expenses being over \$182,000. Our city is almost entirely run by volunteers. The city has one part-time employee, the City Administrator, whose function is secretarial in nature (i.e., handling the mail, answering the phone, assembling meeting minutes, etc.). In 2023, the City Administrator was paid \$800 per month. Otherwise, the City must find and hire contractors to perform city services (e.g., snow removal, street repair, legal, fire and emergency services, animal control, etc.).

For a city of our size and income stream, the MS4 permitting requirements are unreasonably burdensome.

Below are my specific comments regarding the MPCA MS4 General Permit as it pertains to the City of Pine Springs.

Comment 1. Section 1.2: This section references Minn. R. 7090.1010. [Minn. R. 7090.1010]. Subpart 1.B of the rules outlines three different entities that are required to submit a complete application for permit.

Issue: According to Minn. R. 7090.1010. Subpart 1.B. sections (2) and (3), the City of Pine Springs does not meet the population criteria, yet I have been verbally told by people at MPCA that because the city is in "the metro", it must follow MS4.

It is noted that on the MN Pollution Control Agency (MPCA) website with respect to MS4 permits it states:

MS4s in Minnesota must satisfy the requirements of the MS4 general permit if they are at least one of the following:

- located in an urbanized area and used by a population of 1,000 or more
- owned by a municipality with a population of 10,000 or more
- have a population of at least 5,000 and the system discharges to specially classified bodies of water.

The City of Pine Springs DOES NOT meet any of these 3 criteria.

Requested Action: MPCA should either update/clarify the Rules (and MPCA website) to indicate that all municipalities within “the metro”, regardless of population, must comply or offer the municipalities that don’t meet the stated criteria a waiver, so they are exempt.

Comment 2. Section 10.2(a): Submission of a permit application fee with Permit 1

Issue: The current fee is a flat fee of \$400 per application.

The City of Pine Springs has about 143 households, and this \$400 fee amounts to \$2.80 per household. It is my understanding that public fees are often determined on a per capita basis when levied on jurisdictions of widely differing populations. Justification for a graduated per capita would align with one of the goals of this regulation, which is the reduction of non-point pollution created by individual and personal habits among the general population.

Requested Action: The MPCA should make the application fee graduated based on the population of the jurisdiction.

Comment 3. Overall Comment regarding Part 2 Permit Application:

Issue: The permit application (containing 174 questions) and requirements are onerous and costly for small communities such as the City of Pine Springs, especially when some sections of MS4 have little relevance to our City.

Numerous sections of the general permit require development of programs, procedures, and education materials and the requirement to provide updates on their status. See for example, Section 12.4: satisfy MCM requirements and Section 16.2: development, implement, and revise programing to educate the public on stormwater discharges. As mentioned above, we run our city on a small budget. To hire a person specifically to handle compliance with MS4 requirements would significantly increase our budget.

Requested Action: The MPCA should create a simplified permit for small municipalities (for example those with less than 1000 people) to not make this permit so onerous. The MPCA should provide education materials for the municipalities to use to satisfy the public outreach aspect of the permit and provide assistance to the municipalities to assist in filling out and maintaining compliance with the permit.

Thank you for your attention and I hope that you will consider some of these comments in an updated version of MS4.

Sincerely,

Julie Lapos-Kuchar

Council member for the City of Pine Springs, MN

Landgraf, Cole (MPCA)

From: Jane Byron <Jane.Byron@rosemountmn.gov>
Sent: Thursday, May 29, 2025 12:36 PM
To: MN_MPCA_MS4permit
Subject: 2020 MS4 General permit feedback

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Hello MPCA Stormwater Staff,

The City of Rosemount would like to provide the following comments on the 2020 MS4 General Permit as a part of the MS4 General Permit reissuance process:

1. The City of Rosemount supports the comments provided by the Minnesota Cities Stormwater Coalition (MCSC).
2. The current permit has a heavy documentation burden. It would be extremely helpful to see a reduction in documentation and complexity of documentation where possible so that resources can be better directed towards water quality improvement and protection.
3. Section specific comments and language recommendations:
 - a. Section 16.5 – Remove item c.
 - i. Proper storage of deicing materials is largely missing from well developed education campaigns, such as Metro Watershed Partners/Adopt-a-Drain, which makes it difficult for cities to use these well-developed materials and comply with the permit.
 - b. Section 16.8 – Edit item d to remove the requirement to count quantities.
 - i. Counting quantities of paper materials is time consuming without benefiting water quality.
 - c. Section 18.9 – Remove section 18.9 or remove the words “permittee’s” and “program” from the first sentence.
 - i. It is unclear what the intension of this section is, and confusing considering section 18.8 requires annual training.
 - ii. Permittees remaining knowledgeable of the components of their individual programs is covered by the annual assessment in section 18.18.
 - d. Section 19.11, 20.7 – Remove the words “permittee’s” and “program” from the first sentence.
 - i. Permittees remaining knowledgeable of the components of their individual programs is covered by the annual assessment requirements.
 - e. Sections 20.5 and 20.6 – Add flexibility for treatment thresholds and calculations.
 - i. It should be clear that permittees can have more stringent requirements or differing requirements so long as the result is an equal or greater level of treatment for the entire community.
 - ii. This level of flexibility existed in the 2013 Permit and was removed in the 2020 Permit.
 - f. Sections 20.5, 20.6, 20.7, 20.9, 27.12, 27.18, and 27.43 – Remove the concept of “fully reconstructed” and requiring a greater water quality volume/differing threshold for treatment than that of the MN CSW NPDES Permit.
 - i. It puts MS4s at a disadvantage.
 - ii. It is exceedingly difficult to meet the linear threshold in developed areas.

- iii. It can lead to a greater level of treatment than needed to protect resources, thereby wasting taxpayer money.
- iv. MS4s already have other means to determine when projects and areas need a greater level of treatment: TMDLs, WRAPS, Watershed Management Plans, Local Water Plans, etc.
- g. Section 21.9 – Clarify that inspection frequencies can be adjusted for practical reasons.
 - i. Suggested language: “c. the permittee cannot meet an annual schedule because the number and extent of structural stormwater BMPs installed in the community make an annual inspection frequency not practicable. In such cases, the frequency shall be once every 2 calendar years.”.
 - ii. Many MS4s that had surges in development starting in the 1990s or after have thousands of sumps, making an annual inspection frequency not practicable.
- h. Section 21.13e – Remove “and departments”
 - i. Listing department is an unnecessary paperwork burden that doesn’t improve oversight.

Thank you for the opportunity to provide comments.

Jane Byron
Stormwater Specialist

(she/her)
City of Rosemount
Direct: 651-322-2075
Main: 651-322-2022
rosemountmn.gov



Landgraf, Cole (MPCA)

From: Carol Andrews <AndrewsC@StLouisCountyMN.gov>
Sent: Friday, May 30, 2025 3:24 PM
To: MN_MPCA_MS4permit
Cc: Jim Foldesi; Samuel Cook
Subject: 2020 MS4 General Permit feedback

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Dear MPCA Permit Staff,
Thank you for the opportunity to provide feedback on the MS4 permit.

Our primary general request is that MPCA continue to make clear in the MS4 permit when a requirement does not apply to non-traditional MS4s to help alleviate the “square peg/round hole” feeling that a County highway department can get when trying to follow permit. I believe some such changes occurred with the 2021 permit (e.g., applicability of parts 16.5 and 16.6 is clearly limited to cities and townships). We would be happy to talk to other counties and coordinate providing more specific input on this topic.

The following are our comments and recommendations organized by MCM.

MCM 1 – Public Education and Outreach

We suggest that the MPCA assume lead responsibility for MCM 1 to ensure consistent statewide messaging. This would also create a more cost-effective approach versus having each MS4 invest in creating new messaging and materials (the current situation). Although the Minnesota stormwater manual contains some useful related information, many of the documents provided are from a specific locality, not ready-to-use. MS4s could still assist with getting the information out the public in accordance with MPCA recommendations.

MCM 2 – Public Participation and Involvement

- **Section 17.3:** Clarify that, if an MS4 provides information on their SWPPP on a website with a standing invitation for the public to provide input, paired with making an effort to draw attention to the webpage at least once/year, then this requirement may be considered satisfied.

MCM 3 – Illicit Discharge Detection and Elimination (IDDE)

- **Training Requirements – Section 18.8:**
 - We recommend removing the requirement for training police and fire personnel. A centralized or statewide training approach that targets these professions through existing related professional organizations who better understand their roles, responsibilities and existing related training would be more efficient and effective. St. Louis County has conducted in-person IDDE training with all county sheriff department staff as a module inserted into a full day safety training. Despite training over 75 participants and emphasizing how to reach the County’s MS4 staff, this training has generated zero IDDE reports. During the presentation (which was as interesting as we could make it!) the participants were mostly unengaged and many seemed a confused about why we were there.
 - We suggest clearly defining, and limiting, the scope of personnel required to receive formal training (in person or recorded presentation with a high degree of documentation of who attended). For

other staff we request that the permit accept informal awareness methods, such as an emails containing related information. For example, our program annually sends an email to administrative “front desk” staff who field calls from the public, reminding them how to respond and involve MS4 staff if someone reports an illicit discharge. I believe this is a more effective approach than getting them all in a room, or requiring that they watch a video module.

MCM 5 – Post-Construction Stormwater Management

- Requested change: exempt MS4s who do not have zoning authority from requirements related to creating and enforcing a regulatory mechanism regarding post-construction stormwater treatment. The permit could still require non-traditional MS4s to meet the post-construction stormwater treatment requirements for their own projects. Support: St. Louis County does not have zoning authority within the MS4 urbanized area. Work in the road ROW consists of things like driveway construction or installation of utilities, none of which results in over one acre of new or reconstructed impervious surface unless it is associated with a project initiated by the county. These sections are not new, but have always been a source of confusion. It would help all MS4s who have the same situation, and new MS4 staff, if the permit was clearer on this requirement’s applicability.

Other Comments

- **Audits:**
 - We recommend scheduling audits outside the construction season/
 - MS4s should be provided at least one month’s notice to compile and submit materials.
 - Consider returning to targeted audits of select MCMs rather than the full program to streamline the process.
- **Training Documentation:**
 - Please remove the requirement for content creators or presenters to certify that they have been trained. This is redundant and adds unnecessary administrative steps.
- **Documentation in general:** please reduce documentation requirements wherever possible so that MS4 staff can devote more time to implementing the SWPPP vs. documentation.

We appreciate your consideration of these comments and look forward to continued collaboration to ensure the MS4 permit is both effective and practical for all communities. Please feel free to contact me with any questions.

Sincerely,

Carol Andrews, P.E.
Environmental Engineer
St. Louis County Public Works Department
4787 Midway Road
Duluth MN 55811
Office: 218-625-3862
Cell: 218-390-8981

andrewsc@stlouiscountymn.gov

