

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