

Meeting Minutes: Ad hoc Storm Drainage Surcharge Committee of the Plumbing Board

Date: Oct. 31, 2023
Time: 1:00 p.m.
Minutes by: Lyndy Logan
Location: Minnesota Room, DLI, 443 Lafayette Rd. No., St. Paul, MN 55155

Committee Members

1. Karl Abrahamson
2. Richard Becker (Committee Secretary)
3. Bryce Pylkas (Committee Chair) – WebEx
4. Rick Wahlen
5. Mike Westemeier (DLI CO's Designee)

Committee Members Absent

None

DLI Staff & Visitors

Brittany Wysokinski (Board. Counsel, DLI)
Lyndy Logan (DLI)
Tom Eisert (DLI) – WebEx
Steve Neubel (DLI) – WebEx
Mike Arends (Ads-Pipe) – WebEx
Robert Binder (Civil Site Group) – WebEx
Mike Boex (Bolton-Menk) – WebEx
Will Bruestle (Civil Site Group) – WebEx
Jane Brunoehler (Ads-Pipe) – WebEx
Nico Cantarero (Stantec) – WebEx
Kent Erickson (Plumbing Board) – WebEx
Nick Erickson (Housing First MN) – WebEx
Brad Harrison (Ferguson) – WebEx
Michael Findorff (MPCA) – WebEx
Kevin Gardner (Pierce Pini) – WebEx
Todd Hubmer (Bolton-Menk) – WebEx

DLI Staff & Visitors continued...

Will Huston (Rice Companies) – WebEx
Rick Jacobs (Plumbers 34) – WebEx
Mike Johnson (J-berg Mechanical) – WebEx
Larry Justin (KFI Engineers) – WebEx
Karen Kill (Washington Conserv. District) – WebEx
David Knaeble (Civil Site Group) – WebEx
Robbie Latta (Civil Site Group) – WebEx
Stephanie Menning (MUCA)
Anders Melby (Civil Site Group) – WebEx
Amanda Meyer (City of Cottage Grove) – WebEx
Tom Meyer (Landform) – WebEx
Pete Moreau (Ads-Pipe) – WebEx
Sean Murphy (City of Owatonna) – WebEx
Tom Pahkala (Plumbers Local 15) – WebEx
Matt Pavsek (Civil Site Group) – WebEx
Jim Peterson (MN PHCC) – WebEx
David Radziej (MN PHCC) – WebEx
Mike Rawlings (Civil Site Group) – WebEx
Joseph Rief (Civil Site Group) – WebEx
Steve Sabraski (Landform) – WebEx
Mark Scholle (Prinsco) – WebEx
Mike Sheehan (Civil Site Group) – WebEx
Brandon Smith (MPCA) – WebEx
David Weum (Board member) – WebEx
Brian Wurdeman (Kimley-Horn) – WebEx

1. Call to Order

- A. The meeting was called to order by Committee Chair Pylkas at 9:40 a.m. Roll call was taken by the Committee Secretary and a quorum was declared with 5 of 5 Committee members present in person or via WebEx.
- B. Announcements – Introductions (members and attendees) – Chair Pylkas said Mike Westemeier would serve as the Committee's chair today since he was attending via WebEx.
 - Everyone present in person and remotely are able to hear all discussions.
 - All votes will be taken by roll call if any member is attending remotely.

- All handouts discussed and WebEx instructions are posted on the Board's website.
- WebEx instructions/procedures can be found on the board's website at: <https://www.dli.mn.gov/about-department/boards-and-councils/plumbing-board-ad-hoc-committee-storm-drainage-surcharge>

2. **Approval of meeting agenda**

A motion was made by Becker, seconded by Abrahamson, to approve the agenda as presented. The roll call vote was unanimous with 5 votes in favor; the motion carried.

3. **Approval of draft meeting minutes**

A motion was made by Becker, seconded by Wahlen, to approve the Sept. 28, 2023, draft minutes as presented. The roll call vote was unanimous with 5 votes in favor; the motion carried.

4. **Regular Business**

No expense reports.

5. **Special Business**

A. Storm drainage surcharge discussion, including:

- Review of RFI submitted to the Plumbing Board on Oct. 16, 2023 – see **Attachment A**
- Discussion of letter from MPCA dated Sept. 28, 2023 – see **Attachment B**
- Engagement with other stakeholders
- Kyle Dimler with the City of Hutchinson addressed the committee regarding PB0160 which would be reviewed at the November 6, 2023, Special Plumbing Board Meeting.
- Dimler referred to **Attachment C** showing MPCA's [stormwater ponds diagram](#).
- Dimler provided an overview of each of the elements of a stormwater pond shown in the MPCA's stormwater ponds diagram.
- Dimler directed the committee to the various water levels shown on the diagram, particularly the wet pool level and the water quality level.
- Dimler explained the wet pool level is the normal level of the pond when there isn't any inflow. He also noted that the water quality level is the level the pond achieves when it receives 1800 cubic feet of water per acre discharged to the pond plus 1" of rainfall over the affected area required by MPCA design requirements.
- Dimler explained the water quality level is designed to allow any sediment, nutrients and debris to settle out before being discharged from the pond.
- Dimler then reviewed the summary of permit requirements document included as part of Attachment C.
- Members of the committee then asked several questions related to the presented diagram and permit requirements document.
- Dimler then explained the various pond features and how they correspond with the 2, 10 and 100 year rainfall events.
- Becker asked Dimler what percentage of storms would typically exceed the 10 year event. Dimler noted that around 10% of storms would be expected to exceed the 10 year event.

- Based upon this the committee discussed that it wasn't possible or reasonable to design a system to handle 100% of events.
- WebEx chat message from Karen Kill: Watershed districts permit stormwater as well by PE and requires board approval.
- WebEx chat message from Jake Brunoehler, PE. M. ASCE: It's also prudent to note that all of these theoretical rain events are based on Atlas 14, which is currently under a major update that is due 2027.
https://www.weather.gov/media/owp/hdsc_documents/NOAA_Atlas_15_Flyer.pdf
- WebEx chat message from Karen Kill: If the stormwater pond outlet is not being reviewed for surcharge because it is "part of the pond design," then why isn't the inlet also being considered part of the pond design? Forebays are required under Brown's Creek Watershed District rules.
- Matt Pavek – Noted that he would consider the upstream piping part of the ponding system because they typically use some form of treatment device prior to discharging into the pond.
- WebEx chat message from Todd Hubmer: Why did the State of MN intentionally or unintentionally modify the national plumbing code to eliminate the need that a PE design the storm sewer system? All of these issues would be resolved if the State included this provision of the national Plumbing Code into the State Code.
- Hubmer said it was brought to his attention that 1106.1 was not included in the Minnesota plumbing code but is part of the base UPC code. Hubmer noted that 1106.1 states that the design and sizing of a storm sewer drainage system shall be permitted to be determined by acceptable engineering practices, and the system shall be designed by a registered design professional, approved in accordance with section 310.5.
- Becker said in his opinion section 1106 is intended to and addresses symphonic roof drainage systems, not another storm drainage systems.
- WebEx chat message from Mike Sheehan: What is the specific mechanism/or code reference that exempts onsite ponds from plumbing review?
- WebEx chat message from Matt Pavek: Question, can surcharging pipes just be simply accepted as an "accepted engineering practices" per code section 309.1?
- Westemeier noted all of the discussion this far has been in relation to ponds, do the items discussed apply to infiltration type systems as well?
- Pavek stated infiltration systems perform the same function as ponds so they would result in the same potential surcharge.
- Todd Smith noted to the committee that another common system that is seen is an underground stormwater management system, but that it could still have the surcharged pipe like the other systems.
- WebEx chat message from Todd Hubmer: Could we revisit Pavek's previous consideration of defining surcharge in storm water systems as standard engineering practice? This seems to be a simple solution.
- Becker stated that creating a definition of surcharge as part of the RFI would be rule making instead of an interpretation.
- Sean Murphy asked if using an alternative engineering design and engineering practices and principles, why define what level the inlet should be at.

- Becker noted that when using an alternative engineering design still has to comply with the intent and provisions of the code and shall provide equivalent level of quality, strength, effectiveness, fire resistance, durability and safety.
- The committee then discussed if the issue can be resolved through an interpretation issued for PB0160 or if it would require rulemaking.
- The committee concluded that an appropriate response to Dimler's RFI could be approved by the board and not be rulemaking.

A motion was made by Abrahamson, seconded by Wahlen, to recommend to the Board, to accept the invert of the sewer to discharge to the pond at the water quality level to reduce a 90% chance of surcharging the sewer, as it pertains to 31.5 and 309.1. The roll vote was unanimous with 5 votes in favor of the motion; the motion passed.

6. Announcements

Special Plumbing Board meeting will be held on Nov. 6, 2023, at 9:30 a.m.

7. Adjournment

A motion was made by Becker, seconded by Abrahamson, to adjourn the meeting at 12:19 p.m. The vote was unanimous with 5 votes in favor of the motion; the motion passed.

Respectfully submitted,

Richard Becker

Richard Becker
Committee Secretary

Green meeting practices

The State of Minnesota is committed to minimizing in-person environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.

Plumbing Board
c/o Department of Labor and Industry
443 Lafayette Road North
St. Paul, MN 55155-4344
www.dli.mn.gov

Plumbing Board Request for Interpretation

PRINT IN INK or TYPE

NAME OF SUBMITTER Kyle Dimler	Rule(s) to be interpreted (e.g., 4714.0330) 4714.0310.5
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The Minnesota Plumbing Code (MN Rules, Chapter 4714) is available at www.dli.mn.gov/CCLD/PlumbingCode.asp

Has a request for interpretation been submitted to Department of Labor and Industry (DLI) staff, either as a verbal request or a written request? Yes No

If "No," contact DLI staff at 651-284-5898. The DLI is responsible for administration and interpretation of the Minnesota Plumbing Code, and all requests must be processed and provided a DLI interpretation before being referred to the Plumbing Board. This form is intended to be used to request an interpretation from the Plumbing Board only as a resolution of dispute with DLI interpretation.

CODE/RULE to be interpreted: 4714.0310.5	NAME OF DLI employee gave interpretation: David J. Lanik	DATE interpretation originally requested: 10/9/23
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Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a local dispute with an Inspector of other official?

If Yes, state the name or type of official

Yes No

State the circumstances of the initial dispute:

The City of Hutchinson and TKDA received a plan review comment referencing MN Plumbing Board Final Interpretation PB0159 pertaining to "surcharge" of storm sewer drainage piping referencing a "high water" level noted on the stormwater pond which the storm sewer piping drains to.

Explain why you disagree with the interpretation given to you by DLI staff:

The implied requirement is at best, very difficult and at worst, technically impossible to implement because of site grading, MPCA design requirements, and existing invert elevations of municipal stormwater infrastructure.

What is your interpretation of the language:

The drainage piping shall not be installed in a manner that obstructs or retards flow of drainage.

List any other information you would like the Board to consider:

As the Plumbing Board has acknowledged a drainage inlet set at the engineering reference point of a 100 year event is infeasible, would a storm sewer drainage pipe at the inlet of a stormwater retention pond be deemed to be not "surcharged" providing the invert of the storm sewer drainage inlet is designed to be above the MPCA required pond level of 1800 cubic feet per acre of drainage area plus the volume of 1.0 inch of runoff from the net increase in impervious surfaces created by the project?

Information regarding submitting this form:

- Submit any supporting documentation to be considered electronically to DLI.CCLDBOARDS@state.mn.us. Once your Request For Interpretation form has been received, it will be assigned a file number. Please reference this file number on any correspondence and supplemental submissions.

Information for presentation to the Board.

- You will be notified with the date of the Board Meeting in which your Request For Interpretation will be heard.
- Limit presentations to 5 minutes or less.
- Be prepared to answer questions regarding the Code, the circumstances that led to the dispute and please bring copies of any documentation.

What you can do if you disagree with the Board's determination:

- You may appeal the Board's determination pursuant to Minn. Stat. Chapter 14.

RFI File No. PB0160	Date Received by DLI 10/16/2023	Dated Received by Board 10/17/2023	Date of Board Meeting 10/17/2023
Title of RFI RFI PB0160	By:		

This material can be made available in different forms, such as large print, Braille or on a tape. To request, call 1-800-342-5354 (DIAL-DLI) Voice or TDD (651) 297-4198.

Submitted by:

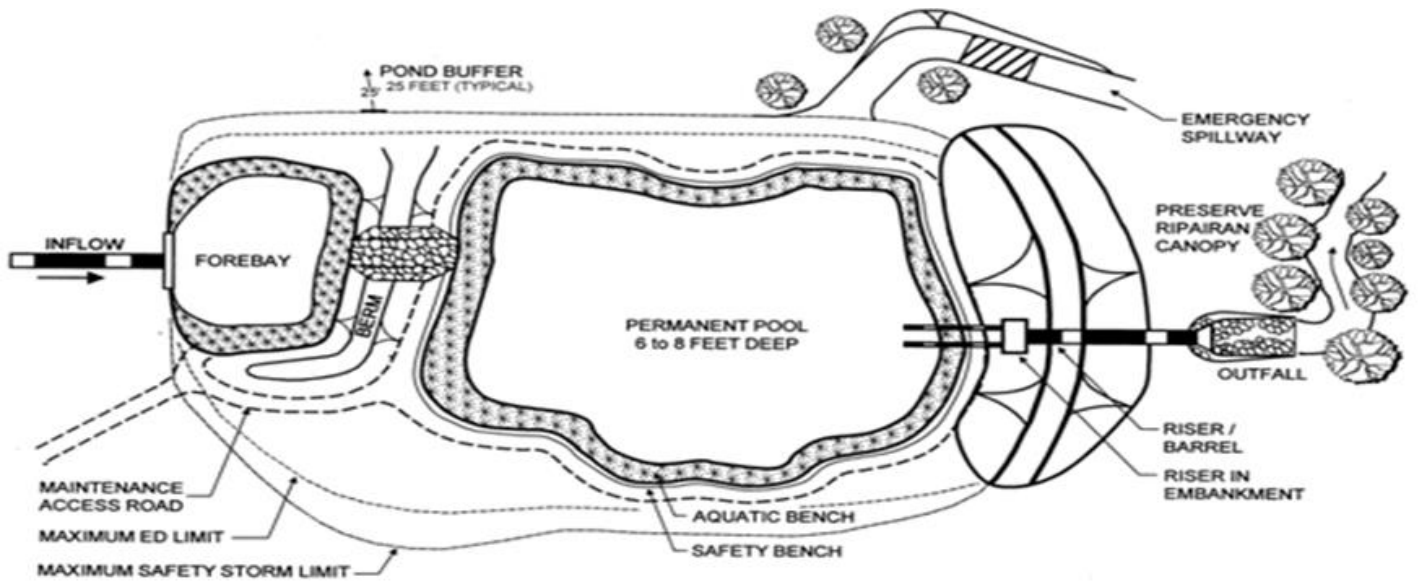
NAME Kyle Dimler		FIRM NAME City of Hutchinson, MN	
ADDRESS 111 Hassan St. SE		CITY Hutchinson, MN	STATE ZIP CODE 55350
PHONE (320) 234-4220	SIGNATURE (original or electronic) Kyle Dimler	DATE 10/16/23	

For assistance or questions on completing this form, please call 651-284-5898 or 651-284-5889.

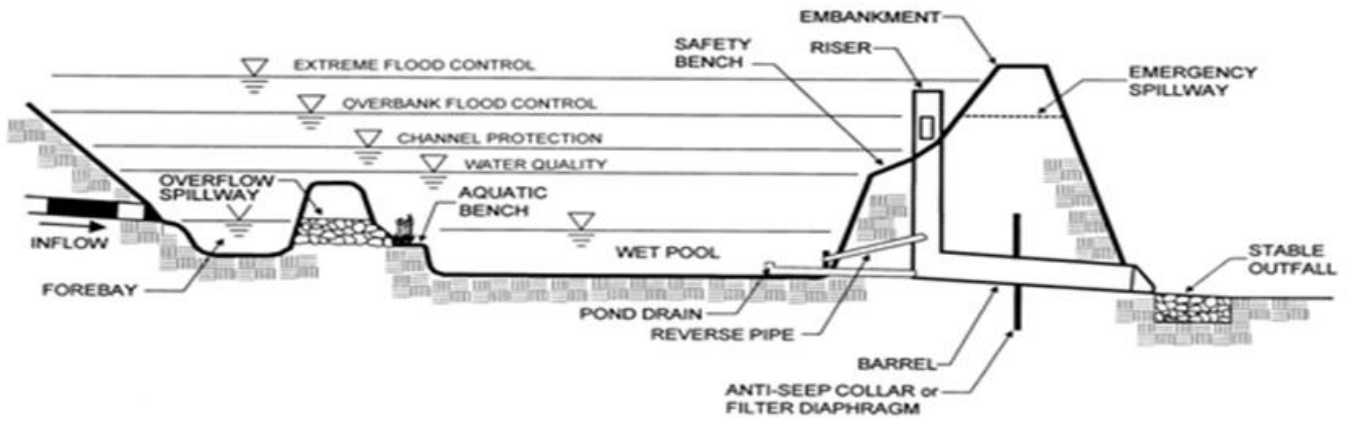
Mailing address:

**Plumbing Board
c/o Department of Labor and Industry
443 Lafayette Road North
St. Paul, MN 55155-4344**

*** Please remember to attach all necessary explanations and supporting documentation*** Page 2 of 2



PLAN VIEW



PROFILE

Summary of permit requirements

Permit requirements are included throughout this page. A summary of these requirements is provided below.

1. Stormwater ponds must not be located in, nor drain water from, wetlands unless mitigated for
2. Stormwater ponds must not be located within surface water bodies or any buffer zones required under [Section 23.11 of the CSW permit](#)
3. The *Required* minimum permanent pool volume, or dead storage (V_{pp} below the outlet elevation), is 1800 cubic feet of storage below the outlet pipe for each acre that drains to the pond
4. The *Required* minimum water quality volume, or live storage (V_{wq}), is 1.0 inch of runoff from the net increase in impervious surfaces created by the project. This should be calculated as an instantaneous volume
5. The [CGP](#) requires that the V_{wq} is discharged at no more than 5.66 cubic feet per second per acre of surface area of the pond. The surface area of the pond is calculated at the elevation that results from the V_{wq} being dropped into the pond instantaneously
6. Permanent pool depths must be a minimum of 3 feet and maximum of 10 feet at the deepest points
7. Basin outlets must have energy dissipation
8. Adequate maintenance access, typically with a minimum width of 8 feet, must be provided. Where a forebay is installed, direct vehicle/equipment access should be provided to the forebay for sediment removal and other maintenance activities. The maintenance access should extend to the forebay, access bench, riser, and outlet, and allow vehicles to turn around
9. An emergency spillway must be provided to pass storms in excess of the pond hydraulic design. The spillway must be stabilized to prevent erosion and designed in accordance with applicable dam safety requirements ([NRCS Pond Standard 378](#) and [Mn/DNR dam safety guidelines](#)). The emergency spillway must be located so that downstream structures will not be impacted by spillway discharges. If the spillway crosses the maintenance access, materials meeting the appropriate load requirements must be selected
10. The riser must be located so that short-circuiting between inflow points and the riser does not occur
11. Basin outlets must be designed to prevent discharge of floating debris
12. Permittees must design basins using an impermeable liner if located within active [karst](#) terrain
13. Inlet areas should be stabilized to ensure that non-erosive conditions exist during high-flow events
14. All pond designs should incorporate an access bench
15. (Minnesota Department of Health Rule 4725.4350) states that a minimum horizontal distance between a water-supply well and the ordinary high water level of a storm water retention pond is 35 feet

Design inlets

- A. It is *Highly Recommended* that inlet pipe inverts be located at the permanent pool elevation. Submerging the inlet pipe can result in freezing and upstream damage.
- B. To prevent freezing and blockage of inflow, it is Highly Recommended that inlet pipes not be fully submerged and that they be buried below the frost line. The Minnesota Department of Transportation has developed frost and thaw depths for several Minnesota sites.
- C. It is also Highly Recommended to design the inlet to reduce or prevent scour, by including riprap or flow diffusion devices such as plunge pools or berms.



Division of Construction Codes and Licensing
REPORT ON PLUMBING PLANS

PROJECT: 3M Hutchinson Storm Sewer Pipe Design, 905 Adams St. SE, Hutchinson, McLeod County, Minnesota, *Plan No. PB-R2309-0174*

OWNERSHIP: Samantha Holt, 3M, 905 Adams St. SE, Hutchinson, MN 55350

SUBMITTER: Samuel Wickstrom, TKDA, 444 Cedar St., St. Paul, MN 55101

Civil Plans Dated: October 12, 2023

Civil Plans Revise Dated: October 23, 2023

Initial Date Received: September 20, 2023

Last Date Received: October 23, 2023

Date Approved: October 24, 2023

This review is limited to the provisions of the Minnesota Plumbing Code, Minnesota Rules, Chapter 4714 and assumes the data on which the design is based are correct. Approval is contingent upon meeting the requirements listed below. **A copy of the approved plans and this report must be retained at the project location.**

INSPECTIONS: This project will be inspected by the local municipality. The contractor/installer must obtain all required inspection permits from the Hutchinson Building Official, Kyle Dimler. All plumbing installations must be tested and inspected in accordance with the requirements of the Minnesota Plumbing Code. No plumbing work may be covered prior to inspection.

REQUIREMENTS:

1. All plumbing shall be installed in accordance with the 2020 Minnesota Plumbing Code (see Minnesota Rules, Chapter 4714). All pipe, fittings, traps, fixtures, materials, and devices shall be listed or labeled by a third-party listing agency and comply with the applicable standards referenced in the code (see Sections 301.2 and 1701.1).
2. The site storm sewers system appears to be subject to backwater by design (see Section 310.5). The Minnesota Plumbing Board has issued a final interpretation on the matter which may be viewed at: <https://www.dli.mn.gov/sites/default/files/pdf/PB0159.pdf>. An Alternative Engineered Design under Section 301.5 was submitted and reviewed by this office to address this item. An addendum review letter for the Alternative Engineered Design will be issued and shall be attached to this report.
3. The proposed HDPE storm sewers material listed in the specifications as ASTM D3350 are not currently recognized in the 2020 MN Plumbing Code but were requested to be used as alternate materials (see Table 701.2 and Section 301.3). The products appear suitable, safe, and sanitary for the intended use and may be used with approval for the above-referenced project only and shall have no effect beyond the jurisdictional boundaries. Regardless of this approval the following requirements must also be met:
 - a. Pipes must be listed, labeled, and no fittings are permitted. Water-tight resilient joints must be used at all connections, including structures.
 - b. Pipes must be installed with a minimum 10-foot separation from water piping and any building.
 - c. HDPE connection to a different material must use an approved listed application-specific transition coupling meeting ASTM C1173 or ASTM C1461 (see Section 705.10).
 - d. Installation must be open-trench per Section 314.4.1 and manufacturer's installation instructions. The MN Department of Labor and Industry is in no way endorsing a product, or any advertising, and is not responsible for any situation that may arise from its use.

3M Hutchinson Storm Sewer Pipe Design
 Plumbing
 Plan No. PB-R2309-0174
 Page 2 of 2
 October 24, 2023

4. Polyethylene storm sewers must meet ASTM F714 or ASTM F894 (see Section 1101.4.5 and Table 701.2). Joints must be heat fused per Section 705.5.1. Connection to a different material must use an approved application-specific transition coupling meeting ASTM C1173 or ASTM C1461 (see Section 705.10). Polyethylene sewers may not cross above water service lines (see Section 720.1).
5. The HDPE storm sewer piping has issues holding an air test so they must not be installed within 10 feet of a building. Storm sewers within 10 feet of the building or water service line must be tested per Section 1107.0.

NOTES:

1. The scope of this project consists of the construction of an existing facility. The plumbing includes installing a 24-inch storm sewer pipe from an existing manhole structure into the first stormwater pond and a 36-inch storm pipe is identified as an equalizer pipe between two extended detention basins and considered as part of the storage basin system.
2. This facility is served by existing municipal sewer and water service connections. **This approval is for the site storm sewer only.** Plans and specifications for the building plumbing system must be submitted to and approved by this office prior to installation. If after review of the building plumbing plans it is found that any of the site utilities are undersized and/or non-compliant, the site utilities must be brought into compliance with the Minnesota Plumbing Code before installation of the interior plumbing may begin.
3. The current 2020 Minnesota Plumbing Code, Chapter 4714, and related information can be found at: <http://www.dli.mn.gov/business/plumbing-contractors/2020-minnesota-plumbing-code>

Authorization may be withdrawn if installation does not begin within one year. Additional requirements may result from changed conditions or additional information.

Approved:



David J. Lanik
 Public Health Engineer
 Plumbing Plan Review and Inspections Unit
 651/284-5842
david.lanik@state.mn.us
www.dli.mn.gov/business/get-licenses-and-permits/plumbing-plan-review

cc: Samuel Wickstrom, TKDA
 Brent Paulsen, TKDA
 Samantha Holt, 3M
 Kyle Dimler, Building Official
 File



October 24, 2023

Samuel Wickstrom
TKDA
444 Cedar St., St. Paul, MN 55101
St. Paul, MN 55101

Gentlemen/Ladies:

Subject: Plumbing at 3M Hutchinson Storm Sewer Pipe Design, 905 Adams St. SE, Hutchinson, McLeod County, Minnesota, Plan No. PB-R2309-0174

This letter is in response to the alternate request received by the Department of Labor & Industry (DLI) to design and install the on-site storm sewer that would be above a smaller rainfall event. This design is not approved in the Minnesota Plumbing Code, but at your request it has been reviewed by this office as an alternate method under Minnesota Rules, part 4714.0301, Section 301.2.

This office has received a written request from the project design engineer and owner, acknowledging the proposed alternative design is not a code approved method in the Minnesota Plumbing Code. The submitted documentation indicated raising inlet pipe above the required high water level was not feasible, therefore, this proposed storm sewer system and pipe inlet elevations are properly designed and sized for this project.

The DLI has determined that the above-listed installation is suitable, will allow access for a complete regular inspection, maintenance, repairs, and sanitary for its intended use at this facility. Therefore, this request is approved. The approval applies only to the 3M Hutchinson Storm Sewer Pipe Design, Plan No. PB-R2309-0174.

During installation the contractor installing this system must verify with the Building Official in the City of Hutchinson, that they approve the design installation and all testing of the system at this facility. The Minnesota Department of Labor and Industry is in no way endorsing this design or any installation and is not responsible for any situation that may arise from its use.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Lanik'.

David J. Lanik
Public Health Engineer
Plumbing Plan Review and Inspections Unit
651/284-5842
david.lanik@state.mn.us
www.dli.mn.gov/business/get-licenses-and-permits/plumbing-plan-review

cc: Kyle Dimler, Building Official
Brent Paulsen, TKDA
Samantha Holt, 3M
File



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300
800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

September 28, 2023

Richard Becker, Chair
Minnesota Plumbing Board
C/O Minnesota Department of Labor and Industry
443 Lafayette Road N.
St. Paul, MN 55155

RE: Final Interpretation Regarding Discharge of Storm Sewers

Dear Mr. Becker,

The Minnesota Pollution Control Agency (MPCA) is sending this letter regarding the Final Interpretation issued by the Minnesota Plumbing Board (Board) in response to Inquiry PB0159 on February 10, 2023, regarding surcharge of storm sewer systems. The Board's current interpretation is having widespread negative consequences on the MPCA and many communities and businesses we work with, and we are writing to ask that the Board work collaboratively with us to address the concerns that have been raised to us and to you directly.

MPCA understands that the Final Interpretation was issued in response to a general question, "Are storm sewers outside of the building footprint allowed to be surcharged?" The term 'surcharged' was not defined in either the Request for Interpretation or the Final Interpretation Comments made during public meetings. The lack of a definition means people do not understand the scope of prohibitions created by the Final Interpretation.

Another substantive issue is that the analysis of Plumbing Code written in the Final Determination references an applicable section of the code but includes no written specifics regarding how a 'surcharge' would obstruct or retard flow, resulting in conflict with this section of the code. This limits the ability of our permittees to develop alternative engineering approaches to either comply with the Final Interpretation or to request project-specific alternatives as allowed by the Plumbing Code. A detailed explanation of the engineering principles supporting the Final Interpretation needs to be included to properly inform proposers on whether their designs are adequate to address the intent of the Plumbing Code.

The Final Interpretation has had a dramatic and unsustainable impact on the MPCA. First, it appears to conflict with design guidance that is incorporated into the Minnesota Stormwater Manual and has been typical practice in stormwater management systems for many years. Thousands of stormwater ponds throughout the state have been designed in accordance with this guidance. Since the issuance of the Final Determination, we have been asked to undertake case-by-case review of many projects that are

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proposing to implement typical designs consistent with our guidance and issue letters commenting on the technical adequacy of these designs.

Additionally, the MPCA issues thousands of water quality permits each year that govern the discharge of stormwater from construction activities that have been impacted by the Final Interpretation. Many of these sites are required to install best management practices on additional impervious area, leading to installation of storm sewers coupled with retention or infiltration. Construction plans need to appropriately meet the requirements of MPCA permits in concert with all other applicable requirements, including the Plumbing Code. Due to the issues with the Final Interpretation described above, a substantial contingent of our permittees has requested extraordinary administrative review of engineering plans to move forward with designs that are consistent with our guidance and have been in use for years.

We are aware that the Board has hosted Ad Hoc Committee meetings to discuss this issue. At the Board meeting last week, it seems like this issue may not meet the threshold for good cause rulemaking. One of the members suggested the Board may want to consider stormwater systems differently, which MPCA would fully support. To ensure that our permittees can continue implementing appropriate management practices for water quality and are able to reasonably do so in accordance with the Plumbing Board, we are requesting the opportunity to meet to resolve these concerns.

Respectfully,



Dana Vanderbosch
Assistant Commissioner of Water Policy, and Agriculture

cc:

Kate Perushek, Minnesota Department of Labor and Industry, Deputy Commissioner
Todd Green, Minnesota Department of Labor and Industry, Director of Construction Codes and Licensing
Nicole Blasing, Minnesota Pollution Control Agency, Municipal Division Director
Ryan Anderson, Minnesota Pollution Control Agency, Stormwater Section Manager