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MINUTES March 13, 2008

I. A meeting of the West Mississippi Watershed Management Commission was called to order by Vice Chair Kathleen Carmody on Thursday, March 13, 2008, at 1:57 p.m., at Lancer at Edinburgh, 8700 Edinbrook Crossing, Brooklyn Park, MN.

Present were: Kathleen Carmody, Brooklyn Center; Mark Gustafson, Champlin; Karen Jaeger, Maple Grove; Ken Schreiber, Osseo; Charles LeFevre, Kennedy & Graven; Ed Matthiesen, Wenck Associates, Inc.; and Judie Anderson, JASS.

Also present: Shelley Schwaninger, Brooklyn Center; and Tiffany Peterson, Maple Grove.

Not represented: Brooklyn Park.

II. Motion by Schreiber, second by Gustafson to **approve the agenda**. Motion carried unanimously.

III. Motion by Jaeger, second by Schreiber to approve the **minutes of the February 14, 2008 meeting**. Motion carried unanimously.

IV. Motion by Jaeger, second by Gustafson to approve the **Treasurer's Report**. Motion carried unanimously.

V. Motion by Jaeger, second by Schreiber to approve the **March claims**. Claims totaling \$11,411.40 were approved by roll call vote: ayes – Carmody, Gustafson, Jaeger and Schreiber; nays - none; absent – Brooklyn Park.

VI. Open Forum. No one wished to speak.

VII. Communications. The Commissioners received copies of the following:

A. February Communications Log. No action required.

B. Results of a Board of Water and Soil Resources (BWSR) survey of **demographic make-up of watershed management organizations**.*

C. March Waterfront Bulletin. <http://www.pca.state.mn.us/water/tmdl/waterfront/index.html>

VIII. Water Quality. The Shingle Creek and West Mississippi Commissions each year undertake monitoring activities, including routine stream monitoring and volunteer lake, stream and wetland monitoring. Stream flow monitoring occurs only on Shingle Creek.

For the **biological monitoring** program Staff recommends continued participation in Hennepin County Environmental Services' (HCES) River Watch program. Student volunteers provide macroinvertebrate monitoring at three locations on Shingle Creek and one location on Mattson Brook in West Mississippi. Three Rivers Park District monitors an additional site on Shingle Creek in the North Mississippi Regional Park. The 2008 budget in Shingle Creek is \$3,000 and in West Mississippi is \$1,000.

The Metropolitan Council's **Citizen Assisted Lake Monitoring Program (CAMP)** trains volunteers to take surface water samples and make water quality observations from late spring to early fall. Again, this activity occurs only in the Shingle Creek watershed.

In 2007 the two Commissions began participating in HCES' **Wetland Health Evaluation Program (WHEP)**. Volunteers monitored two wetlands in Brooklyn Park (one in the Environmental Preserve, the other north of Brookdale Drive near Xerxes), Wetland 639W in Crystal, and one wetland in Plymouth (Timber Shores Park at the outlet of Bass Lake). For 2008 Staff recommended that the wetlands in Brooklyn Park and Plymouth be repeated. For the fourth site, either Wetland 639W or a mitigation wetland will be monitored. It is their recommendation that two wetlands in each watershed be monitored in 2008. The budget for WHEP monitoring is \$2,000 in Shingle Creek and \$1,000 in West Mississippi.

Motion by Jaeger, second by Schreiber to approve the 2008 monitoring program as recommended, Motion carried unanimously.



IX. Project Reviews. There were no projects.

X. Second Generation Plan.

A. The **major plan amendment revising the Capital Improvement Program** has been distributed for 60-day review. The amendment adds the Crystal Twin Oak Pond project to the 2008 CIP and splits the Wetland 639W project into two phases over two years. Two 2009 projects would be moved to 2010. The earliest BWSR can approve the plan amendment is at its August meeting and the earliest the Commission can hold project hearings on the Twin Oak Pond and Wetland 639W projects is September.

B. NPDES Permit Requirements. Cities in the watershed that are MS4s (Municipal Separate Storm Sewer System) must revise their National Pollutant Discharge Elimination System (NPDES) Storm Water Pollution Prevent Programs (SWPPPs) by August 2008 with new or revised best management practices (BMPs) that reflect TMDL implementation activity. MPCA staff Barb Peichel and Anna Kerr were present at the Commissions' February 27, 2008 Technical Advisory Committee (TAC) meeting to provide an overview of the process the MS4s should follow and what the MPCA will be looking for in the SWPPPs. (See the March 13, 2008 Shingle Creek meeting minutes for more discussion.)

C. At the February TAC meeting members also reviewed a draft of the **revised rules and standards** incorporating comments from their previous meeting. Major revisions proposed include revising the infiltration requirement into a volume management requirement; specifying pollutant removal performance standards rather than specifying a NURP pond for stormwater treatment; and revisions to areas excluded from infiltration.

Volume Management. The TAC spent considerable time discussing the feasibility of increasing the one-half inch infiltration requirement to a one-inch volume management requirement. It was noted that areas with sandy soils would have less trouble meeting this requirement, but areas with soils that are less conducive to infiltration would be especially burdened by this requirement. Matthiesen presented an example of a project in Plymouth that had been reviewed and approved by the Commission that incorporated one-half inch of infiltration through engineered infiltration basins. He evaluated the feasibility of managing one-inch of runoff through various techniques including planting trees, using pervious pavement in the parking lots, amending the soils with compost to increase permeability and using stormwater stored in the ponds for irrigation. He concluded it was technically possible through these practices alone or in combination to retain one inch of runoff, but it would be more expensive for the developer. The TAC requested more information from the engineer on the additional cost of these practices. In addition, the TAC may consider varying the depth required to be managed based on the type of native soils.

Pollutant Performance Removal. The TAC reviewed and accepted the proposed revisions adopting the standard of 60% removal of Total Phosphorus and 85% removal of Total Suspended Solids through one or more BMPs to replace existing language requiring ponding.

Areas Excluded from Infiltration. The proposed revisions include exempting sites with contaminated soil or groundwater and sites within a delineated 1-year time-of-travel zone in a wellhead protection area. Additional research will be done before agreeing to the 1-year time-of-travel zone exemption. The TAC also asked that the proposed revision requiring pretreatment of runoff prior to discharge into an infiltration area be defined more specifically, perhaps specifying particle sizes to be removed. The TAC will review the rules and standards once more before making a recommendation to the Commissions.

D. The MPCA is proposing revisions to the **NPDES General Construction Permit** and is taking public comment on those revisions until March 26, 2008. This General Permit contains the water quality and erosion control requirements that must be met for construction disturbing one acre and is in addition to any other permits or project reviews required by cities, counties, or watershed organizations. Staff reviewed the proposed revisions for consistency with current rules and the proposed revisions being discussed by the TAC. Of particular interest to the Commissions are the proposed revisions relating to NPDES construction permits issued in areas that discharge to an Impaired Water.



1. Proposed: Projects requiring NPDES construction permits that discharge to and are located within *one mile* of an impaired water must meet more stringent special requirements than those that do not. If the project disturbs 50+ acres, the SWPPP prepared for the project must be approved by the MPCA prior to the start of construction. For projects disturbing <50 acres and more than one acre, the SWPPP must be prepared and conformed to but does not need to be reviewed and approved by the MPCA. If the project disturbs 5+ acres, a temporary sedimentation basin must be provided or, if that is infeasible, equivalent sediment control must be provided.

For projects creating one acre or more of new impervious surface and for which a TMDL has not yet been approved or where a TMDL does not specify required BMPs, permanent water quality treatment for *one-inch of runoff* from that new impervious surface must be provided, and *at least one-half inch of that must be infiltrated*. Exceptions are for areas with D soils, areas with less than three feet of separation from seasonal groundwater, areas proximate to bedrock, and contaminated sites. Where an approved TMDL specifies BMP requirements for permitted projects, the SWPPP must implement those BMPs.

Discussion: Because the Mississippi River impairments are not currently subject to the special provisions, apparently no part of the West Mississippi watershed would be subject to the more restrictive requirements. However, in the future, should the river be listed for one of the impairments noted above, then portions of West Mississippi would be covered. It is not clear how the Lake Pepin TMDL might affect permit requirements for projects discharging to the Mississippi River. The one-mile requirement creates areas of the Shingle Creek watershed where one side of the street would be subject to the more stringent requirement, while the other would not. In developed areas served by storm sewers, channels, and other conveyances, runoff is being discharged into the impaired water whether it is 200 feet from the water or two miles from it.

Response: Staff recommends that the Commissions consider submitting a comment that in areas served by storm drainage systems, rather than the proposed one mile radius, the entire area draining to an impaired water should be subject to the new requirements. Motion by Jaeger, second by Schreiber to approve this recommendation. Motion carried unanimously.

2. Proposed: For NPDES-permitted projects that meet Commission review thresholds, the new requirements are actually less stringent than current Commission rules and standards. However, for projects that do not meet Commission review thresholds, for example projects on sites between one and five acres in size, the NPDES construction permit treatment requirement would double from the current one-half inch to the proposed one inch.

Discussion: City staffs currently work with developers to incorporate BMPs as practicable on these small sites. The TAC discussed amending the review thresholds to make these smaller projects subject to Commission rules and standards, but generally preferred to make no change.

Response: Member cities may wish to comment on the proposed impacts to small site development and redevelopment. From a TMDL implementation perspective, these sites would fall under the provision that small sites and homeowners be encouraged to incorporate BMPs as possible, but there is no specific treatment requirement or expectation, and no load reduction is assigned to these practices. No action by the Commission.

3. Proposed: Of the one inch of runoff that is treated, at least one-half inch must be infiltrated.

Discussion: The TAC is currently considering revisions to the Commission rules and standards that would amend the infiltration requirement to be a volume management requirement. This provides developers with flexibility in incorporating a variety of BMPs to retain runoff on site.

Response: Staff recommends that the Commissions consider submitting a comment that, rather than prescribing one-half inch of infiltration, the permit require one-half inch to be retained on site through volume management BMPs. Motion by Jaeger, second by Schreiber to approve this recommendation. Motion carried unanimously.

4. Proposed: Sites with D soils are exempt from the infiltration requirement.



Discussion: These sites can still achieve volume management through soil amendment with compost, bioinfiltration with engineered soils, subsurface storage, tree planting, capture and reuse, and other volume management BMPs.

Response: Staff recommends that the Commissions consider submitting a comment that opposes exempting sites with D soils from the volume management requirement. Motion by Jaeger, second by Schreiber to approve this recommendation. Motion carried unanimously.

5. **Proposed:** Some situations exist where sites would be exempt from the infiltration requirement.

Discussion: Not included in that list are sites within wellhead protection areas.

Response: Staff recommends that the Commissions consider submitting a comment that volume management using infiltration be done in accordance with Minnesota Department of Health guidance called "Evaluating Proposed Stormwater Infiltration Projects in Vulnerable Wellhead Protection Areas," as amended, and further that infiltration practices be prohibited within a delineated 1-year time of travel zone in a wellhead protection area, within 400 feet of a community water well, or within 100 feet of a private well. Motion by Jaeger, second by Schreiber to approve this recommendation. Motion carried unanimously.

6. **Proposed:** The wet sedimentation basin design in the current and proposed permit is only based on the volume generated by one-half inch of runoff from new impervious surface.

Discussion: Although there is a minimum dead storage specified in the permit, a pond designed in this manner may be hydraulically undersized if the entire contributing basin results in a volume larger than this event.

Response: Staff recommends that the Commissions consider submitting a comment that the required volume be the larger of either one-half inch of runoff from new impervious surface or one-half inch of runoff from the entire contributing watershed. Motion by Jaeger, second by Schreiber to approve this recommendation. Motion carried unanimously.

E. Except for those with land in the Minnehaha Creek Watershed District or the Mississippi WMO, all the cities in Shingle Creek/West Mississippi should have completed a **local water management plan** update by the end of 2006. Currently, Brooklyn Center has a completed and approved plan; Brooklyn Park anticipates completing their plan by the end of 2007; and Maple Grove will complete their LWMP in tandem with their Comprehensive Plan. The status of the Champlin and Osseo plans is unknown.

F. The **next TAC meeting** will be held at 8:30 a.m., Wednesday, March 26, 2008, at Crystal City Hall.

XI. Education and Public Outreach Program. The SCWM Education and Public Outreach Committee (EPOC) met on Tuesday, March 4, 2008.

A. **Water Quality Education Grants.** One grant application is still pending, awaiting more information from Champlin Park High School. The EPOC also approved the concept for an application for an Eagle Scout composting project at Highway 169 and Bass Creek.

B. **Partnership Opportunities.**

1. The results of the **Public Opinion Survey** are in the hands of the EPOC subcommittee and will be reviewed on March 17 prior to distribution to Commissioners, member cities and other interested parties. The PowerPoint presentation given on January 31, 2008 will also be included in the final package. Press releases will be issued to local media and the EPOC will pursue the possibility of a presentation on Cable 12. From the results of the survey the EPOC will develop future education and public outreach recommendations for the Commissions to consider.



2. **Rain Garden Workshops.** Workshops A have been scheduled for Maple Grove, Plymouth and Crystal on April 19, May 15, and June 3, 2008, respectively. Workshops B are scheduled on May 3 and May 31 in Maple Grove and Plymouth. Metro Blooms will provide to the member cities information for their use in newsletters, web postings, etc. A copy of a general press release was included in the meeting packet.

3. Last month the Commissions approved partnership in **Blue Thumb**, an educational program of the Rice Creek Watershed District. Their website includes useful information on rain gardens, native plants, and shoreline stabilization. The Commissions' logos have already been posted and Staff will create additional verbiage about the Commissions for inclusion on the Blue Thumb website <http://www.bluthumb.org/>.

4. **The Great Shingle Creek Watershed Cleanup.** Cleanup week is April 19-26, 2008. EPOC is in the process of identifying the contacts in the member cities for this event. They will receive a Planning Guide to assist them in creating a successful event in their communities. Staff has contacted member cities to ask for time at an upcoming Council meeting to talk about the Cleanup and request them to issue a Proclamation. Jaeger has volunteered to make these presentations.

5. **Plymouth Yard and Garden Expo** will take place April 4-5, 2008 at Plymouth Creek Center. The Commissions will have a booth at this event and coordinate displays/activities with the Bassett Creek Commission in the adjoining booth. Motion by Gustafson, second by Jaeger to approve \$25.00 from each Commission for the booth at the Expo and \$250 from each Commission to purchase promotional materials for use at events such as the Expo and the Cleanup. Native seed packets would be one of the purchases. Motion carried unanimously.

C. The **next EPOC meeting** is a joint meeting with the Elm Creek and Bassett Creek WMOs and is scheduled for 8:30 a.m., Tuesday, April 8, 2008, at Plymouth City Hall.

XII. Grant Opportunities. In January the Shingle Creek Commission received official notice that two of its grant applications for Clean Water Legacy Act (CWLA) funds were approved. The 639W project was funded to \$60,000 and the Twin Oak Pond project was funded to \$77,500. (See X.A., above.)

XIII. Other Business.

Adjournment. There being no further business before the Commission, motion by Carmody, second by Jaeger to adjourn. The meeting was adjourned at 2:03 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Judie A. Anderson". The signature is written in a cursive style with a large initial "J".

Judie A. Anderson
Recording Secretary
JAA:tim

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